

DRS SUPERVISOR'S ACCIDENT INVESTIGATION

WLT

COMPANY DIVISION-REPORTING DRS Wilmington CITY-STATE Wilmington DEL. Date of the Report 11-08-02

NAME OF INJURED PERSON John Towner JOB CLASSIFICATION _____

ADDRESS 701 W. 14TH STREET

CITY WILMINGTON STATE DEL ZIP CODE 19802 TELEPHONE NO. 302-984-0650

SOCIAL SECURITY NUMBER [REDACTED] PORT NO. _____

AGE 39 MARITAL STATUS MARRIED NUMBER OF DEPENDENTS (SPECIFY) 3

☐ SINGLE ☒ MARRIED ☐ DIVORCED ☐ SEPARATED

DATE AND TIME OF ACCIDENT 11/08/02 250 ☐ AM ☒ PM DATE AND TIME COMPANY NOTIFIED 250 ☐ AM ☒ PM TO BY WHOM MR. JACKSON CLIFF LASCHE

SCENE OF ACCIDENT (BE SPECIFIC: I.e., HATCH NO., INTERSECTION, SHEET AREA, DOCK, LOCATION, ETC.) #2 HATCH "D" DECK

COMMODITY/CARGO MEAT LOADING ☐ UNLOADING ☒ OTHER (EXPLAIN) _____

SHIP/BARGE MR. LOZON STRAIT LINE/CHARTER COS MEAT

SUPERVISOR CLIFF LASCHE SHIP FOREMAN TEREIN JACKSON HATCH FOREMAN BARRE JACKSON

DESCRIBE ACCIDENT FULLY (GIVE DETAILS OF WHAT INJURED WAS DOING AT TIME OF ACCIDENT)

WHILE CLIMBING ESCAPE HATCH FROM "D" TO "C" DECK. ESCAPE HATCH COVER UNLATCHED FROM IT'S SECURING. MR. TOWNER FELL BACK ONTO "C" DECK AND SAID COVER STRUCK HIM IN THE LEFT LEG AT THE KNEE CAP. MAN ALSO CLAIMS SLIGHT BACK ACHE

DATE AND TIME WORK BEGAN 11/08/02 700 ☐ AM ☒ PM DATE AND TIME WORK FINISHED 11/08/02 300 ☐ AM ☒ PM

NATURE OF INJURIES LEFT KNEE CAP AND LOWER BACK

HOSPITAL/CLINIC/PHYSICIAN CHRISTIANA CARES WILMINGTON HOSPITAL

ADDRESS _____

INJURED ☐ RESUMED WORK WITHOUT TREATMENT ☐ RESUMED WORK AFTER TREATMENT ☒ WENT HOME ☐ ADMITTED TO HOSPITAL

WITNESS - NAME AND ADDRESS - PHONE NUMBER SEAN BRADY ANTHONY ENZICK

WITNESS - NAME AND ADDRESS - PHONE NUMBER _____

SUPERVISOR'S COMMENTS (WHY DID ACCIDENT OCCUR AND WHAT SHOULD BE DONE TO PREVENT REOCCURRENCE)

SEEMS AS THOUGH SECURING PIN WORKED OUT OF THE SHOT. SHOULD BE INSPECTED BEFORE ENTERING DECK

FOREMAN NOTIFIED ☒ YES ☐ NO

EMPLOYEE'S SIGNATURE John Towner SUPERVISOR'S SIGNATURE [Signature]

LETTER - 11/13/02 Carmela DiPierro



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOHN TURNER : CIVIL ACTION

vs. :

ORIGINAL

SEATRADE :

GRONINGER B.V. : 04-CV-0936

December 9, 2004

Oral deposition of JOHN TURNER, held in the offices of Palmer, Biezup & Henderson, 620 Chestnut Street, 956 Public Ledger Building, Philadelphia, Pennsylvania 19106, commencing at 2:10 p.m., on the above date, before Pamela J. Gober Bracic, a Federally-Approved Registered Professional Reporter and Commissioner for the Commonwealth of Pennsylvania.

ESQUIRE DEPOSITION SERVICES

15th Floor

1880 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103

(215) 988-9191

EXHIBIT

2

tabbles

1 APPEARANCES:

2
 3 FREEDMAN AND LORRY, P.C.
 BY: STANLEY B. GRUBER, ESQUIRE
 Suite 900
 4 400 Market Street
 Philadelphia, Pennsylvania 19106
 5 (215) 931-2510
 Counsel for the Plaintiffs
 6
 7 PALMER, BIEZUP & HENDERSON
 BY: RICHARD Q. WHELAN, ESQUIRE
 8 620 Chestnut Street
 956 Public Ledger Building
 Philadelphia, Pennsylvania 19106
 (215) 625-9900
 Counsel for the Defendant
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1 DEPOSITION SUPPORT INDEX

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 3 Direction to Witness Not To Answer
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2 (It is hereby stipulated and

3 agreed by and between counsel that

4 the reading, signing, sealing,

5 filing and certification are

6 waived; and that all objections,

7 except as to the form of

8 questions, be reserved until the

9 time of trial.)

10 - - -

11 JOHN TURNER, after having

12 been duly sworn, was examined and

13 testified as follows:

14 - - -

15 EXAMINATION

16 - - -

17 BY MR. WHELAN:

18 Q. Mr. Turner, my name is Rick

19 Whelan. I represent the owners of the

20 ship called the LUZON STRAIT. You've

21 filed a lawsuit against them for injuries

22 for your accident of November 8, 2002,

23 and we are here to ask you questions

24 about your accident, your injuries,

1 losses, et cetera
2 If at any time you don't
3 understand any of my questions, just let
4 me know and I will rephrase the question.
5 But if you don't let me know that you
6 didn't understand, it will be assumed
7 that you understood the question. Okay?
8 A. Yes.
9 Q. And any of your responses
10 should be verbal rather than shaking your
11 head or saying mm-hum so the court
12 reporter can get down the proper answer.
13 Okay?
14 A. Okay.
15 Q. If you need a break at any
16 time we can break either for the men's
17 room or whatever. If you want to rest or
18 take a break, let me know and we will do
19 that. Okay?
20 A. Okay.
21 Q. Have you ever given your
22 deposition before?
23 A. Yes.
24 Q. How many times?

1 A. Once.
2 Q. Was it in a case that you
3 had filed before?
4 A. Yes.
5 Q. So you kind of know the
6 rules and the --
7 A. No.
8 Q. Well, the only rules are
9 basically what I'm telling you. And
10 just, again, I will stress if you don't
11 understand or it's unclear, just let me
12 know. Okay?
13 A. Okay.
14 Q. State your full name for the
15 record?
16 A. John A. Turner.
17 Q. And Mr. Turner, what is your
18 present home address?
19 A. 701 West 19th Street.
20 Q. Wilmington?
21 A. Yes, Wilmington, Delaware
22 19802.
23 Q. What is your date of birth?
24 A. 12/16/63.

1 Q. You are 41?
2 A. I will be.
3 Q. You will be 41?
4 A. Hopefully.
5 Q. What is your Social Security
6 number?
7 A. [REDACTED]
8 Q. And your port number, if you
9 can give it to me?
10 A. It's 7533.
11 Q. And your height?
12 A. Approximately six three.
13 Q. And weight?
14 A. About 230.
15 Q. Is that about what your
16 weight was on the date of the accident,
17 230?
18 A. No, no. I think I was maybe
19 ten pounds more.
20 MR. GRUBER: More or less?
21 THE WITNESS: More.
22 MR. GRUBER: I think that's
23 confusing. You want to know
24 whether he weighed more or less at

1 the time of the accident?
2 BY MR. WHELAN:
3 Q. Right now you weigh 230?
4 A. Yes.
5 Q. Did you weigh 230 on the
6 date of the accident?
7 A. I think I weighed a little
8 bit more.
9 Q. A little bit more than that?
10 A. Yes.
11 Q. How many pounds more; about
12 ten, as you said?
13 A. Yes.
14 Q. So you were about 240 on the
15 date of the accident?
16 A. Yes.
17 Q. Give or take a few pounds?
18 A. Approximately, yes.
19 Q. How long have you been
20 living at the 701 West 19th Street
21 address?
22 A. Since 1995.
23 Q. Do you live there with
24 anyone?

18

1 Q. So you are a member of
2 International Longshore Union. What
3 local?
4 A. 1694.
5 Q. And that's the local in
6 Wilmington?
7 A. Yes.
8 Q. How many years have you been
9 a member of that union?
10 A. Twenty. Almost 20.
11 Q. So once you became -- got
12 your hours, have you worked from that
13 point in time, to date, have you worked
14 any other job for money or compensation,
15 other than working as a longshoreman?
16 A. No.
17 Q. When I ask that question, I
18 include -- some people call it
19 moonlighting, like people will work as a
20 longshoreman and they might do plastering
21 work or electric.
22 A. For about a month I did work
23 for a janitorial service. I don't
24 remember the date. It was in the '80s.

19

1 Q. And since your accident on
2 November 8, 2002, have you worked
3 anywhere for money, been employed or
4 worked anywhere for money?
5 A. No.
6 Q. You have been just
7 collecting the Harbor Workers'
8 Compensation Act compensation on a weekly
9 basis?
10 A. Yes.
11 Q. What is the name of the
12 janitorial service you worked for?
13 A. I don't remember.
14 Q. Where was it located?
15 A. It was up on -- I don't
16 remember the proper name. It was --
17 might have been Star Janitorial. It was
18 up on -- it was a building like ICI. We
19 were cleaning out offices at night. I
20 did it for about a month.
21 Q. Now, we got to the point
22 where you became a regular for the union.
23 You haven't had any education, vocational
24 training or anything since you've been

20

1 working as a union longshoreman?
2 A. No.
3 Q. Have you ever served in the
4 Armed Services of the United States?
5 A. No.
6 Q. Have you ever applied for or
7 received Social Security disability
8 benefits?
9 A. Yes.
10 Q. Which one; have you applied
11 or received or both?
12 A. I applied for disability.
13 Social Security is what I get now.
14 Q. You applied for Social
15 Security disability?
16 A. Yes.
17 Q. And you are receiving it
18 now?
19 A. Yes.
20 Q. How much do you receive by
21 way of those benefits either monthly or
22 weekly?
23 A. Monthly.
24 Q. And what is it a month?

21

1 A. I think it's 1,576 or 1,578.
2 Q. One thousand, five hundred
3 and seventy-eight dollars a month?
4 A. Yes.
5 Q. When did you start receiving
6 that?
7 A. June of '03.
8 MR. GRUBER: I thought it
9 was '04.
10 MR. WHELAN: If you know,
11 Stan, just tell me.
12 THE WITNESS: It's this
13 year, '04.
14 BY MR. WHELAN:
15 Q. We are just doing background
16 questions, and if you are not sure or
17 whatever, ask Mr. Gruber.
18 A. June '04. This year.
19 Q. Now, at the time of your
20 accident, were you a regular in what they
21 call the Jackson gang, a regular gang
22 member?
23 A. No.
24 Q. Were you a regular in any

14

1 part time.

2 **Q. A couple of months or**

3 **something?**

4 A. Yes. It was like, I went to

5 work for a couple days and went to the

6 docks for a couple of days.

7 **Q. Would it be accurate to say**

8 **that after you came back from college you**

9 **did some part-time work with your father,**

10 **with the landscaping?**

11 A. Yes.

12 **Q. And at the same time when**

13 **you got work on the docks, you would take**

14 **that work, as well?**

15 A. Sometimes, yes.

16 **Q. Did there come a point in**

17 **time when you got a permanent job and all**

18 **you were doing was working on the**

19 **waterfront?**

20 A. No. Everything was causal

21 at that time.

22 **Q. Did you work any other jobs**

23 **other than the landscaping job and the**

24 **causal longshore work during that time**

15

1 **period?**

2 A. Prior to when I came home?

3 **Q. After you came home.**

4 A. I worked for Chrysler for

5 about a year, maybe a year and a half. I

6 can't remember the dates.

7 **Q. Was that a full-time**

8 **position?**

9 A. Part time.

10 **Q. What did you do for them?**

11 A. I used to make doors, put

12 the headers on the doors. Like a

13 subassembly job.

14 **Q. Where was the Chrysler**

15 **facility located?**

16 A. Newark, Delaware.

17 **Q. When you say part time, how**

18 **many hours would you work a week,**

19 **approximately?**

20 A. I don't remember. It might

21 have been three days a week. I can't

22 remember exactly.

23 **Q. And how long did you do**

24 **that, a couple of years, you said?**

16

1 A. Yes.

2 **Q. And then at the same time**

3 **during that time period were you also**

4 **working on the docks?**

5 A. Yes.

6 **Q. Were you also working**

7 **landscaping?**

8 A. No.

9 **Q. So it was just the docks and**

10 **at Chrysler?**

11 A. Yes.

12 **Q. Then after that what was**

13 **your work situation, after those two**

14 **years?**

15 A. I stayed at the docks.

16 **Q. And have you been working at**

17 **the docks ever since?**

18 A. Yes.

19 **Q. When you first came back**

20 **from college and you went down to the**

21 **docks, as you described it, did you have**

22 **a connection down there, like a family**

23 **member or an aunt or an uncle or somebody**

24 **who got you into the union?**

17

1 A. I didn't have any family

2 members, no.

3 **Q. Did you have friends?**

4 A. Yes.

5 **Q. Who was the person that got**

6 **you in?**

7 A. Mr. Jackson.

8 **Q. And how did you know him?**

9 A. He knew my parents, and I

10 came home from school and he said --

11 asked me did I want to work, make some

12 money. And I said yes. And he got me a

13 job down there throwing bananas.

14 **Q. And this is Mr. Jackson,**

15 **Junior?**

16 A. Yes.

17 **Q. Was he the gang boss that**

18 **you would work for when you worked on the**

19 **waterfront, typically?**

20 A. Yes, sometimes.

21 **Q. So after the two years, then**

22 **you became regular on the waterfront?**

23 A. Yes. I made my hours and

24 joined the union.

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| <p>1 losses, et cetera</p> <p>2 If at any time you don't</p> <p>3 understand any of my questions, just let</p> <p>4 me know and I will rephrase the question.</p> <p>5 But if you don't let me know that you</p> <p>6 didn't understand, it will be assumed</p> <p>7 that you understood the question. Okay?</p> <p>8 A. Yes.</p> <p>9 Q. And any of your responses</p> <p>10 should be verbal rather than shaking your</p> <p>11 head or saying mm-hum so the court</p> <p>12 reporter can get down the proper answer.</p> <p>13 Okay?</p> <p>14 A. Okay.</p> <p>15 Q. If you need a break at any</p> <p>16 time we can break either for the men's</p> <p>17 room or whatever. If you want to rest or</p> <p>18 take a break, let me know and we will do</p> <p>19 that. Okay?</p> <p>20 A. Okay.</p> <p>21 Q. Have you ever given your</p> <p>22 deposition before?</p> <p>23 A. Yes.</p> <p>24 Q. How many times?</p> | <p>1 Q. You are 41?</p> <p>2 A. I will be.</p> <p>3 Q. You will be 41?</p> <p>4 A. Hopefully.</p> <p>5 Q. What is your Social Security</p> <p>6 number?</p> <p>7 A. 222-46-7533.</p> <p>8 Q. And your port number, if you</p> <p>9 can give it to me?</p> <p>10 A. It's 7533.</p> <p>11 Q. And your height?</p> <p>12 A. Approximately six three.</p> <p>13 Q. And weight?</p> <p>14 A. About 230.</p> <p>15 Q. Is that about what your</p> <p>16 weight was on the date of the accident,</p> <p>17 230?</p> <p>18 A. No, no. I think I was maybe</p> <p>19 ten pounds more.</p> <p>20 MR. GRUBER: More or less?</p> <p>21 THE WITNESS: More.</p> <p>22 MR. GRUBER: I think that's</p> <p>23 confusing. You want to know</p> <p>24 whether he weighed more or less at</p> |
| <p>1 A. Once.</p> <p>2 Q. Was it in a case that you</p> <p>3 had filed before?</p> <p>4 A. Yes.</p> <p>5 Q. So you kind of know the</p> <p>6 rules and the --</p> <p>7 A. No.</p> <p>8 Q. Well, the only rules are</p> <p>9 basically what I'm telling you. And</p> <p>10 just, again, I will stress if you don't</p> <p>11 understand or it's unclear, just let me</p> <p>12 know. Okay?</p> <p>13 A. Okay.</p> <p>14 Q. State your full name for the</p> <p>15 record?</p> <p>16 A. John A. Turner.</p> <p>17 Q. And Mr. Turner, what is your</p> <p>18 present home address?</p> <p>19 A. 701 West 19th Street.</p> <p>20 Q. Wilmington?</p> <p>21 A. Yes, Wilmington, Delaware</p> <p>22 19802.</p> <p>23 Q. What is your date of birth?</p> <p>24 A. 12/16/63.</p> | <p>1 the time of the accident?</p> <p>2 BY MR. WHELAN:</p> <p>3 Q. Right now you weigh 230?</p> <p>4 A. Yes.</p> <p>5 Q. Did you weigh 230 on the</p> <p>6 date of the accident?</p> <p>7 A. I think I weighed a little</p> <p>8 bit more.</p> <p>9 Q. A little bit more than that?</p> <p>10 A. Yes.</p> <p>11 Q. How many pounds more; about</p> <p>12 ten, as you said?</p> <p>13 A. Yes.</p> <p>14 Q. So you were about 240 on the</p> <p>15 date of the accident?</p> <p>16 A. Yes.</p> <p>17 Q. Give or take a few pounds?</p> <p>18 A. Approximately, yes.</p> <p>19 Q. How long have you been</p> <p>20 living at the 701 West 19th Street</p> <p>21 address?</p> <p>22 A. Since 1995.</p> <p>23 Q. Do you live there with</p> <p>24 anyone?</p> |

| | |
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| <p>1 A. My wife and four children. 2 Q. What is your wife's name? 3 A. Nanette Turner, Nanette M. 4 Turner, N-A-N-E-T-T-E. 5 Q. How many years have you been 6 married or when did you get married? I 7 don't want to put you in a bad spot here. 8 A. We have been together since 9 high school. 10 Q. And your children's names? 11 A. Tasha, John, Steven and 12 Daniel. 13 Q. And could you give me their 14 ages? 15 A. Tasha is 20, John is 17, 16 Steven is 16 and Daniel is 14. 17 Q. And are all of those 18 children living with you presently? 19 A. Yes, sir. 20 Q. Are they all dependent upon 21 you or is Tasha independent at age 20? 22 A. She depends on me, she's in 23 college. 24 Q. What high school did you</p> | <p>1 anything? 2 A. No 3 Q. Did you successfully 4 complete that semester or not? 5 A. I don't remember. I think 6 when I came home I didn't go back. 7 Q. So did you go through to 8 Christmas and then you didn't go back? 9 A. Yes. I came home around 10 December. 11 Q. Why didn't you go back? 12 A. I started a family. 13 Q. So after you came back -- 14 I'm sorry, I didn't mean to interrupt 15 you. 16 A. That's okay. 17 Q. First of all, while you were 18 at this college in South Carolina, were 19 you employed in any way or were you just 20 going to school and playing basketball? 21 A. Just going to school and 22 playing basketball. 23 Q. When you came back in 24 December, what was your first job after</p> |
| <p>1 graduate from? 2 A. Delcastle Technical High 3 School. 4 Q. What year did you graduate? 5 A. 1982. 6 Q. And after you graduated from 7 Delcastle Vo-tech High School, did you 8 have any subsequent education or 9 training? 10 A. Yes, I went one year to 11 Denmark Vo-tech. It's in -- 12 Q. Where is it located? 13 A. In South Carolina. 14 Q. What did you study there? 15 A. Really nothing. 16 Q. Why did you go? What was 17 the reason for going there, what were you 18 trying to get experience in? 19 A. Actually, I got a 20 scholarship for basketball, really. 21 Q. Is that a four-year college 22 or a junior college? 23 A. I think junior college. 24 Q. Did you have a major or</p> | <p>1 you got back home? I want to take you 2 through your employment history up to 3 when you became a longshoreman. 4 A. When I came back I went down 5 to the docks. At that time they were 6 selling banana boxes on the Del Monte 7 ship at the time. 8 Q. So you went right to work as 9 a longshoreman when you got back? 10 A. Not right back. 11 Q. Your first job -- 12 A. My first job after I came 13 back from school, I was working for my 14 father part time. 15 Q. What was that job? 16 A. Landscaping. 17 Q. Does he have a landscaping 18 business? 19 A. Yes. He was working for 20 Stires at the time. J. Franklin Stires 21 on 202. 22 Q. And how long did you do that 23 before you went to the docks? 24 A. I don't remember. It was</p> |

| | |
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| <p>1 part time.</p> <p>2 Q. A couple of months or</p> <p>3 something?</p> <p>4 A. Yes. It was like, I went to</p> <p>5 work for a couple days and went to the</p> <p>6 docks for a couple of days.</p> <p>7 Q. Would it be accurate to say</p> <p>8 that after you came back from college you</p> <p>9 did some part-time work with your father,</p> <p>10 with the landscaping?</p> <p>11 A. Yes.</p> <p>12 Q. And at the same time when</p> <p>13 you got work on the docks, you would take</p> <p>14 that work, as well?</p> <p>15 A. Sometimes, yes.</p> <p>16 Q. Did there come a point in</p> <p>17 time when you got a permanent job and all</p> <p>18 you were doing was working on the</p> <p>19 waterfront?</p> <p>20 A. No. Everything was causal</p> <p>21 at that time.</p> <p>22 Q. Did you work any other jobs</p> <p>23 other than the landscaping job and the</p> <p>24 causal longshore work during that time</p> | <p>1 A. Yes.</p> <p>2 Q. And then at the same time</p> <p>3 during that time period were you also</p> <p>4 working on the docks?</p> <p>5 A. Yes.</p> <p>6 Q. Were you also working</p> <p>7 landscaping?</p> <p>8 A. No.</p> <p>9 Q. So it was just the docks and</p> <p>10 at Chrysler?</p> <p>11 A. Yes.</p> <p>12 Q. Then after that what was</p> <p>13 your work situation, after those two</p> <p>14 years?</p> <p>15 A. I stayed at the docks.</p> <p>16 Q. And have you been working at</p> <p>17 the docks ever since?</p> <p>18 A. Yes.</p> <p>19 Q. When you first came back</p> <p>20 from college and you went down to the</p> <p>21 docks, as you described it, did you have</p> <p>22 a connection down there, like a family</p> <p>23 member or an aunt or an uncle or somebody</p> <p>24 who got you into the union?</p> |
| <p>1 period?</p> <p>2 A. Prior to when I came home?</p> <p>3 Q. After you came home.</p> <p>4 A. I worked for Chrysler for</p> <p>5 about a year, maybe a year and a half. I</p> <p>6 can't remember the dates.</p> <p>7 Q. Was that a full-time</p> <p>8 position?</p> <p>9 A. Part time.</p> <p>10 Q. What did you do for them?</p> <p>11 A. I used to make doors, put</p> <p>12 the headers on the doors. Like a</p> <p>13 subassembly job.</p> <p>14 Q. Where was the Chrysler</p> <p>15 facility located?</p> <p>16 A. Newark, Delaware.</p> <p>17 Q. When you say part time, how</p> <p>18 many hours would you work a week,</p> <p>19 approximately?</p> <p>20 A. I don't remember. It might</p> <p>21 have been three days a week. I can't</p> <p>22 remember exactly.</p> <p>23 Q. And how long did you do</p> <p>24 that, a couple of years, you said?</p> | <p>1 A. I didn't have any family</p> <p>2 members, no.</p> <p>3 Q. Did you have friends?</p> <p>4 A. Yes.</p> <p>5 Q. Who was the person that got</p> <p>6 you in?</p> <p>7 A. Mr. Jackson.</p> <p>8 Q. And how did you know him?</p> <p>9 A. He knew my parents, and I</p> <p>10 came home from school and he said --</p> <p>11 asked me did I want to work, make some</p> <p>12 money. And I said yes. And he got me a</p> <p>13 job down there throwing bananas.</p> <p>14 Q. And this is Mr. Jackson,</p> <p>15 Junior?</p> <p>16 A. Yes.</p> <p>17 Q. Was he the gang boss that</p> <p>18 you would work for when you worked on the</p> <p>19 waterfront, typically?</p> <p>20 A. Yes, sometimes.</p> <p>21 Q. So after the two years, then</p> <p>22 you became regular on the waterfront?</p> <p>23 A. Yes. I made my hours and</p> <p>24 joined the union.</p> |

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| <p>18</p> <p>1 Q. So you are a member of</p> <p>2 International Longshore Union. What</p> <p>3 local?</p> <p>4 A. 1694.</p> <p>5 Q. And that's the local in</p> <p>6 Wilmington?</p> <p>7 A. Yes.</p> <p>8 Q. How many years have you been</p> <p>9 a member of that union?</p> <p>10 A. Twenty. Almost 20.</p> <p>11 Q. So once you became -- got</p> <p>12 your hours, have you worked from that</p> <p>13 point in time, to date, have you worked</p> <p>14 any other job for money or compensation,</p> <p>15 other than working as a longshoreman?</p> <p>16 A. No.</p> <p>17 Q. When I ask that question, I</p> <p>18 include -- some people call it</p> <p>19 moonlighting, like people will work as a</p> <p>20 longshoreman and they might do plastering</p> <p>21 work or electric.</p> <p>22 A. For about a month I did work</p> <p>23 for a janitorial service. I don't</p> <p>24 remember the date. It was in the '80s.</p> | <p>20</p> <p>1 working as a union longshoreman?</p> <p>2 A. No.</p> <p>3 Q. Have you ever served in the</p> <p>4 Armed Services of the United States?</p> <p>5 A. No.</p> <p>6 Q. Have you ever applied for or</p> <p>7 received Social Security disability</p> <p>8 benefits?</p> <p>9 A. Yes.</p> <p>10 Q. Which one; have you applied</p> <p>11 or received or both?</p> <p>12 A. I applied for disability.</p> <p>13 Social Security is what I get now.</p> <p>14 Q. You applied for Social</p> <p>15 Security disability?</p> <p>16 A. Yes.</p> <p>17 Q. And you are receiving it</p> <p>18 now?</p> <p>19 A. Yes.</p> <p>20 Q. How much do you receive by</p> <p>21 way of those benefits either monthly or</p> <p>22 weekly?</p> <p>23 A. Monthly.</p> <p>24 Q. And what is it a month?</p> |
| <p>19</p> <p>1 Q. And since your accident on</p> <p>2 November 8, 2002, have you worked</p> <p>3 anywhere for money, been employed or</p> <p>4 worked anywhere for money?</p> <p>5 A. No.</p> <p>6 Q. You have been just</p> <p>7 collecting the Harbor Workers'</p> <p>8 Compensation Act compensation on a weekly</p> <p>9 basis?</p> <p>10 A. Yes.</p> <p>11 Q. What is the name of the</p> <p>12 janitorial service you worked for?</p> <p>13 A. I don't remember.</p> <p>14 Q. Where was it located?</p> <p>15 A. It was up on -- I don't</p> <p>16 remember the proper name. It was --</p> <p>17 might have been Star Janitorial. It was</p> <p>18 up on -- it was a building like ICI. We</p> <p>19 were cleaning out offices at night. I</p> <p>20 did it for about a month.</p> <p>21 Q. Now, we got to the point</p> <p>22 where you became a regular for the union.</p> <p>23 You haven't had any education, vocational</p> <p>24 training or anything since you've been</p> | <p>21</p> <p>1 A. I think it's 1,576 or 1,578.</p> <p>2 Q. One thousand, five hundred</p> <p>3 and seventy-eight dollars a month?</p> <p>4 A. Yes.</p> <p>5 Q. When did you start receiving</p> <p>6 that?</p> <p>7 A. June of '03.</p> <p>8 MR. GRUBER: I thought it</p> <p>9 was '04.</p> <p>10 MR. WHELAN: If you know,</p> <p>11 Stan, just tell me.</p> <p>12 THE WITNESS: It's this</p> <p>13 year, '04.</p> <p>14 BY MR. WHELAN:</p> <p>15 Q. We are just doing background</p> <p>16 questions, and if you are not sure or</p> <p>17 whatever, ask Mr. Gruber.</p> <p>18 A. June '04. This year.</p> <p>19 Q. Now, at the time of your</p> <p>20 accident, were you a regular in what they</p> <p>21 call the Jackson gang, a regular gang</p> <p>22 member?</p> <p>23 A. No.</p> <p>24 Q. Were you a regular in any</p> |

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| <p>22</p> <p>1 gang?</p> <p>2 A. Yes.</p> <p>3 Q. Which gang were you a</p> <p>4 regular in?</p> <p>5 A. Rice.</p> <p>6 Q. Is that Albert Rice?</p> <p>7 A. Exactly.</p> <p>8 Q. On the date of the accident</p> <p>9 were you working for the Rice gang or the</p> <p>10 Jackson gang?</p> <p>11 A. Jackson gang.</p> <p>12 Q. So you would get picked up</p> <p>13 by Jackson if Rice wasn't working that</p> <p>14 day, you would get picked up as an extra?</p> <p>15 A. That's correct.</p> <p>16 Q. Is that what happened on the</p> <p>17 date of the accident?</p> <p>18 A. Yes.</p> <p>19 Q. And what is your job in the</p> <p>20 Rice gang; holdman, deckman?</p> <p>21 A. Deckman, crane driver.</p> <p>22 Q. What was your job in the</p> <p>23 Jackson gang on the date of the accident?</p> <p>24 A. Hddman.</p> | <p>24</p> <p>1 - - -</p> <p>2 (Whereupon, a discussion was</p> <p>3 held off the record.)</p> <p>4 - - -</p> <p>5 BY MR. WHELAN:</p> <p>6 Q. On the date of your</p> <p>7 accident, your employer, your stevedoring</p> <p>8 company, was Delaware River Stevedores,</p> <p>9 Incorporated?</p> <p>10 A. Yes.</p> <p>11 Q. Have you ever, Mr. Turner,</p> <p>12 applied for or received unemployment</p> <p>13 compensation benefits?</p> <p>14 A. Yes.</p> <p>15 Q. When is the last time you</p> <p>16 did that?</p> <p>17 A. In the '80s, mid '80s.</p> <p>18 Q. Where would the office be</p> <p>19 where you would have applied for that?</p> <p>20 A. Unemployment office?</p> <p>21 Q. Yes. Where would you go in</p> <p>22 Delaware? I'm assuming you have to go</p> <p>23 somewhere and fill out a form and submit</p> <p>24 it.</p> |
| <p>23</p> <p>1 Q. You had worked as a holdman</p> <p>2 before the day of the accident on other</p> <p>3 ships?</p> <p>4 A. Yes.</p> <p>5 Q. About how many times in your</p> <p>6 career, before the date of the accident,</p> <p>7 do you think or however you can quantify</p> <p>8 it --</p> <p>9 A. All of them.</p> <p>10 Q. You've worked all jobs?</p> <p>11 A. Yes.</p> <p>12 Q. And you had hundreds of days</p> <p>13 of experience as a holdman before the</p> <p>14 date of your accident?</p> <p>15 A. Yes. I started as a</p> <p>16 holdman.</p> <p>17 Q. How many years did you work</p> <p>18 as a holdman in your 20-year period</p> <p>19 before you became a deckman?</p> <p>20 A. Ten, maybe. Just guessing.</p> <p>21 Q. Is the Jackson gang a house</p> <p>22 gang for Dole or any other company?</p> <p>23 A. No.</p> <p>24 MR. GRUBER: Off the record.</p> | <p>25</p> <p>1 A. It's been so long. It used</p> <p>2 to be on Lancaster Avenue. I don't know</p> <p>3 where it's at now.</p> <p>4 Q. In Wilmington?</p> <p>5 A. Yes. Now it's in the city</p> <p>6 somewhere, but I don't know where it's</p> <p>7 at.</p> <p>8 Q. Have you applied for or</p> <p>9 received unemployment benefits since the</p> <p>10 date of your accident, November 2, 2002?</p> <p>11 A. No. November 8th.</p> <p>12 Q. No?</p> <p>13 A. No.</p> <p>14 Q. You haven't worked at all</p> <p>15 since the date of your accident. Is that</p> <p>16 correct?</p> <p>17 A. That's correct.</p> <p>18 Q. Now, with regard to the</p> <p>19 injuries that you sustained on November</p> <p>20 8, 2002, can you tell us what parts of</p> <p>21 your body you injured that day?</p> <p>22 A. My back, my leg and my knee.</p> <p>23 Q. Let's start with the back.</p> <p>24 Where in the back is it; low back,</p> |

26

1 mid-back, upper back?

2 A. Lower back.

3 Q. And the leg, which leg?

4 A. Left.

5 Q. And which knee?

6 A. Left.

7 Q. Any other parts of your body

8 that were injured that day?

9 A. No. Well, no.

10 Q. Now, as you sit here today,

11 have you taken any prescription

12 medication before you came here?

13 A. Yes.

14 Q. What drugs have you taken?

15 A. Celebrex this morning, I

16 took a half of a Percocet. I just took

17 another half about half an hour ago.

18 Q. Are any of these drugs or

19 the effects from them making it so you

20 can't testify or can't understand my

21 questions? Do you feel like you are

22 okay?

23 A. Well, I'm dizzy, but, you

24 know.

27

1 Q. If you feel that the effects

2 of the drugs or whatever are interfering

3 with your ability for you to understand

4 my questions and answer them, let me

5 know. Okay?

6 A. Okay.

7 Q. Or let your attorney know

8 and he can let me know. All right?

9 A. All right.

10 Q. Now, sitting here today are

11 you experiencing any pain?

12 A. Yes.

13 Q. Where do you presently feel

14 the pain?

15 A. My inner thigh, leg.

16 Q. That's left?

17 A. Yes, left leg. My lower

18 back, my foot is numb.

19 Q. Is that your left foot?

20 A. Left foot is numb. I feel a

21 burning and tingling sensation in my

22 foot. It's getting ready to rain or

23 something.

24 Q. Left foot?

28

1 A. Yes.

2 Q. Anything else? Not that

3 that isn't enough.

4 A. My back is bothering me.

5 Q. You have pain in your low

6 back?

7 A. Yes.

8 Q. If you could describe for me

9 where the pain is in your low back; is it

10 at the beltline, below the beltline,

11 above the beltline?

12 A. My lower back. I don't know

13 where the beltline is.

14 Q. If you look at where my

15 beltline is, on your body --

16 A. Approximately where your

17 beltline is.

18 Q. About the beltline there?

19 A. Yes.

20 Q. Now, before November 8,

21 2002, had you ever experienced pain in

22 your low back?

23 A. Yes.

24 Q. When was that?

29

1 A. In 1998, 1999, in that

2 period.

3 Q. And what was the problem?

4 A. I was in an automobile

5 accident.

6 Q. Were you rear-ended?

7 A. Yes, sir.

8 Q. What was the date of that

9 accident?

10 A. I'm not quite sure of the

11 date. I think it was May of '98 or '97

12 or '98. In that area, in the '90s.

13 Q. In your Answers to

14 Interrogatories you indicate that you

15 filed an underinsured motorist claim as a

16 result of a 1999 motor vehicle accident.

17 A. Okay.

18 Q. And you filed an arbitration

19 in the Superior Court of Wilmington, and

20 the claim was settled for policy limits.

21 And you were represented by Vincent

22 Romano. Is that the accident you are

23 talking about?

24 A. Yes, sir.

30

1 Q. So it would be '97, '98,
2 '99, somewhere in that area?
3 A. Yes.
4 Q. Any other automobile
5 accidents you've ever been involved in,
6 other than that one?
7 A. No.
8 Q. Now, before November 8,
9 2002, had you ever had pain in your left
10 leg or left knee?
11 A. Say that again?
12 Q. Before November 8, 2002, the
13 date of the accident, had you ever
14 experienced pain in your left leg or left
15 knee?
16 A. No.
17 Q. Before November 8, 2002, you
18 obviously, with regard to the motor
19 vehicle accident, had received treatment
20 for your low back problem. Is that
21 correct?
22 A. I received therapy.
23 Q. Did you go to a hospital?
24 A. Yes.

31

1 Q. On the date of the accident?
2 A. Yes.
3 Q. Which hospital was that?
4 A. I'm assuming Wilmington. I
5 don't remember. It was in the city, so
6 Wilmington General, I guess.
7 Q. What street is that on?
8 A. 13th Street. Washington
9 Street -- 13th and Washington.
10 Q. Did you go to the emergency
11 room?
12 A. Yes.
13 Q. Did you --
14 A. The ambulance came and got
15 me out the truck.
16 Q. Were you driving in that
17 accident?
18 A. Yes.
19 Q. What were you driving?
20 A. My truck.
21 Q. Did you have a pickup truck?
22 A. Yes, sir.
23 Q. Could you describe the
24 damage to your pickup truck?

32

1 A. It pushed my bumper
2 underneath my truck, back bumper.
3 Q. What did you get hit by,
4 what kind of vehicle; a car, a truck?
5 A. It was a car.
6 Q. Was there anyone else in the
7 car with you?
8 A. No.
9 Q. And you were taken by
10 ambulance to the emergency room?
11 A. Yes.
12 Q. Do you remember the dollar
13 amount of damage that you had sustained
14 to your truck?
15 A. Whatever the policy limits
16 were.
17 MR. GRUBER: He said damage
18 to your truck.
19 THE WITNESS: Oh, I don't
20 remember.
21 BY MR. WHELAN:
22 Q. Was it totaled?
23 A. No.
24 Q. So was it fixed?

33

1 A. Yes.
2 Q. By your insurance company or
3 did you do it on your own?
4 A. Yes, I think the insurance
5 company took care of it for me.
6 Q. Do you know the name of the
7 insurance company you had at the time?
8 A. Still have it. Nationwide.
9 Q. Did they pay for your
10 medicals, as well, under your
11 underinsured or uninsured motorist?
12 A. I think they did, yes.
13 Q. Did you receive treatment
14 from an orthopedic doctor for those back
15 injuries?
16 A. No.
17 Q. Who treated you for the back
18 injuries?
19 A. My family doctor, which is
20 Dr. Song. And he referred me to Dynamics
21 Physical Therapy. I can't remember where
22 it's located at.
23 Q. Is it in Wilmington?
24 A. Yes.

34

1 Q. Other than Dr. Song, did you
2 receive treatment anywhere else for those
3 injuries from the 1999 automobile
4 accident?
5 A. No, sir.
6 Q. Other than that accident,
7 before November 8, 2002, the accident you
8 are here to testify to today, had you
9 been in any other accidents where you
10 hurt your back?
11 A. No, not that I remember.
12 Q. Before this accident, had
13 you ever received any medical treatment
14 from any doctors, physical therapists, et
15 cetera, for problems with your left leg
16 or knee?
17 A. Before the accident?
18 Q. Right.
19 A. No.
20 Q. For example, in basketball
21 did you ever sprain your left knee or
22 have a problem with your left knee?
23 A. No.
24 Q. In connection with your 1999

35

1 automobile accident, did you have an MRI
2 scan of your back?
3 A. No, sir.
4 Q. Had you ever, before the
5 accident of November 8, 2002, when you
6 got hurt on the LUZON STRAIT, had you
7 ever had an MRI of your back?
8 A. No, sir.
9 Q. What about of prior to the
10 date of the accident, had you ever had an
11 MRI or x-ray of your left knee or left
12 leg?
13 A. Prior to the accident of
14 November 8, 2002?
15 Q. Yes.
16 A. I think I might have had an
17 x-ray of my leg -- my knee.
18 Q. And when would that have
19 been, and for what?
20 A. That would have been either
21 from the car accident -- I'm not sure.
22 Yes, that would be from the accident with
23 the car.
24 Q. Other than that, any other

36

1 x-rays or MRIs of the left leg or left
2 knee before your accident on the LUZON
3 STRAIT?
4 A. No.
5 Q. After the automobile
6 accident, did you miss any work as a
7 longshoreman?
8 A. Yes.
9 Q. How long were you out of
10 work?
11 A. A few months, give or take.
12 Q. A few months?
13 A. Yes.
14 Q. Now, have you ever received
15 treatment for drug, alcohol or substance
16 abuse in your lifetime?
17 A. Never.
18 Q. On the date of this
19 accident, had you taken any type of drug
20 or substance or alcohol before your
21 accident occurred?
22 A. No.
23 Q. Have you ever been treated
24 by a chiropractor in your lifetime?

37

1 A. No.
2 Q. Prior to November 8, 2002,
3 have you ever had an EMG or a nerve
4 conduction study?
5 A. I don't remember.
6 Q. Now, before November 8,
7 2002, had you ever received treatment for
8 any type of chronic condition, like
9 cancer or anemia or something of that
10 nature?
11 A. No, sir.
12 Q. Have you ever been
13 hospitalized between, say, when you
14 graduated from college up until the time
15 of the accident on November 8, 2002?
16 A. I never graduated from
17 college.
18 Q. From the time you left
19 college up until the accident of November
20 8, 2002.
21 A. No.
22 Q. Had you ever had any
23 surgeries at all before November 8, 2002?
24 A. No, sir.

1 **Q. Other than the car accident**
 2 **and this accident of November 8, 2002,**
 3 **have you ever had any visits to the**
 4 **emergency room?**
 5 A. I think one time. I don't
 6 remember the date. It was the flu, the
 7 first time I ever caught the flu.
 8 **Q. Where did you go, Wilmington**
 9 **Hospital?**
 10 A. Yes, sir.
 11 **Q. When was that?**
 12 A. I don't remember the date.
 13 **Q. Was it recently?**
 14 A. No. Back in the '80s. I
 15 think the last time I was sick -- well.
 16 **Q. Your family doctor is Dr.**
 17 **Song. That's who you would go to if you**
 18 **had the flu or a problem, assuming he was**
 19 **open at the time?**
 20 A. Yes.
 21 **Q. How many years has Dr. Song**
 22 **been your family doctor?**
 23 A. I think since I was 14.
 24 **Q. Did you ever file a lawsuit?**

1 what happened.
 2 **Q. Some kind of injury to your**
 3 **hand?**
 4 A. Yes.
 5 **Q. Do you remember which hand,**
 6 **right or left?**
 7 A. I don't remember.
 8 **Q. What company were you**
 9 **working for?**
 10 A. I think at the time it was
 11 Wilmington Stevedores.
 12 **Q. Did you get treatment from a**
 13 **doctor for that injury?**
 14 A. I think so. I don't
 15 remember, to be honest. I probably got
 16 treated, but I don't remember.
 17 **Q. You can't recall who the**
 18 **doctor was?**
 19 A. I don't remember. I don't
 20 know if I went to the emergency room or
 21 whatever. It's been a long time.
 22 **Q. Now, since your accident of**
 23 **November 8, 2002, have you had any other**
 24 **accidents where you've aggravated these**

1 **You filed an arbitration in connection**
 2 **with your automobile accident. Is that**
 3 **right?**
 4 A. Yes.
 5 **Q. Other than this lawsuit,**
 6 **have you ever filed a lawsuit in your**
 7 **lifetime for injuries or for any other**
 8 **reason?**
 9 A. No, sir.
 10 **Q. Have you ever been sued?**
 11 A. No.
 12 **Q. I mean as a defendant.**
 13 A. No.
 14 **Q. Other than this accident on**
 15 **November 8, 2002, have you ever collected**
 16 **compensation benefits from your stevedore**
 17 **employer under the Longshoreman's Act?**
 18 A. Yes.
 19 **Q. Tell me about that.**
 20 A. I collected. It was back in
 21 the '80s. I don't quite remember what
 22 happened to me. I collected for maybe
 23 two or three months. I think something
 24 to do with my hand. I'm not quite sure

1 **injuries, like falling down or some sort**
 2 **of accident like that?**
 3 A. No.
 4 **Q. Now, before your accident of**
 5 **November 8, 2002, had you regularly**
 6 **worked on refrigerated ships that came**
 7 **into Wilmington that had either fruit or**
 8 **meat or fish?**
 9 A. Yes.
 10 **Q. So this was nothing new to**
 11 **you, the LUZON STRAIT, to go aboard and**
 12 **work on a reefer ship?**
 13 A. The ship was new. I'd been
 14 working on ships.
 15 **Q. The ship was new, you had**
 16 **never worked on what ship before?**
 17 A. Right. I had never worked
 18 on that ship before.
 19 **Q. You said you had worked**
 20 **regularly as a holdman before your**
 21 **accident of November 8, 2002. Does that**
 22 **mean that you regularly would climb up**
 23 **and down ship's ladders and go through**
 24 **access ways or manholes that had covers**

1 on them to get to and from cargo holds?
 2 A. Yes.
 3 Q. So that's something you had
 4 a lot of experience with?
 5 A. Yes.
 6 Q. Now, I'm trying to find out
 7 the schedule of the ship. The date of
 8 your accident, was that your first day of
 9 work aboard the ship or had you worked
 10 previous days?
 11 A. I had work a previous day.
 12 Q. Just one previous day?
 13 A. I'm not sure. My gang was
 14 on it for one day. Number one hatch.
 15 Q. For one day at number one
 16 hatch?
 17 A. I think so, yes.
 18 Q. And that would be the day
 19 before the accident, November 7th?
 20 A. Yes, sir, I think that's
 21 correct.
 22 MR. WHELAN: Let's mark this
 23 as Turner Exhibit-1.
 24 - - -

1 Q. November 6th. That would
 2 have been two days before your accident.
 3 A. I don't know if my gang
 4 worked it or not. I'm not quite sure if
 5 I worked it that day or I might have been
 6 ordered out on the crane somewhere else
 7 and came back the next day. I'm not
 8 quite sure about November 6th. If my
 9 gang was on it, I probably would have
 10 worked it. Rice's gang.
 11 Q. You had testified that on
 12 the date of your accident, you were
 13 working for the Jackson gang. Is that
 14 correct?
 15 A. That's correct.
 16 Q. So would all of your work
 17 aboard the ship been for the Jackson
 18 gang?
 19 A. No.
 20 Q. So it's your best
 21 recollection that you only worked on
 22 November 7th and November 8th?
 23 A. To the best of my knowledge.
 24 I'm not quite sure. I would really have

1 (Whereupon, Exhibit Turner-1
 2 was marked for identification.)
 3 - - -
 4 BY MR. WHELAN:
 5 Q. We have marked as Turner
 6 Exhibit-1 a group of Delaware Stevedores,
 7 Incorporated records, and it consists of
 8 ten pages. I want you to focus on a page
 9 in the back here. There's a page of
 10 handwritten records. It looks like it's
 11 the fourth one from the bottom.
 12 MR. GRUBER: What is the
 13 date on it?
 14 BY MR. WHELAN:
 15 Q. It says Wednesday, November
 16 6th, and then LUZON STRAIT. Now, it
 17 appears to me that's the first day of
 18 work aboard the ship, Mr. Turner.
 19 Can you tell me from that
 20 document whether your gang worked that
 21 day, November 6th?
 22 A. We would have worked number
 23 one hatch the first day. What is the
 24 date on that?

1 to look through my book. I don't
 2 remember if I worked it on the 6th. If
 3 my gang was on it, I probably would have
 4 been on the crane.
 5 Q. On the crane?
 6 A. Yes.
 7 Q. And what crane would that
 8 have been?
 9 A. Number one elevator or
 10 crane, whatever they want to describe it
 11 as.
 12 Q. Can you describe that for
 13 us? Do you remember operating that
 14 crane?
 15 A. Yes.
 16 Q. Which day did you operate
 17 the crane, if you remember; was it the
 18 day of your accident?
 19 A. Not the day of the accident,
 20 it would have been the day before, which
 21 would have been the 7th. I remember
 22 operating it on the 7th, because number
 23 one hatch was difficult. It was an easy
 24 thing to operate, but they made sure I

1 was there because of -- whoever the
 2 deckie was -- instead of using the button
 3 they did it manually, they used the
 4 levers, the joy sticks.
 5 **Q. There's a page dated**
 6 **November 7th, handwritten page, that**
 7 **looks like about the fifth page from the**
 8 **bottom. At the top left side it has**
 9 **number one hatch and then Rice, with two**
 10 **lines under it. Is that correct?**
 11 A. Yes.
 12 **Q. So you would have worked**
 13 **November 7th for the Rice gang?**
 14 A. Yes.
 15 **Q. It looks like they started**
 16 **at number one, shifted to number two,**
 17 **back to number one and then shifted to**
 18 **number two?**
 19 A. Yes. If that's what they
 20 have down, yes.
 21 **Q. So that day you would have**
 22 **been only operating the crane?**
 23 A. Yes.
 24 **Q. You wouldn't have been in**

1 **Q. And did you, starting at**
 2 **seven o'clock, work as a holdman?**
 3 A. Yes.
 4 **Q. Do you remember going down**
 5 **into the number three hatch?**
 6 A. I would have been on the
 7 second shift. So I would have went down
 8 at 9:30, probably to 11:00, on the number
 9 three. That's probably what I did. Came
 10 up -- we probably finished that hatch,
 11 evidently. We never went back in there.
 12 And we went down number two.
 13 I don't remember if it was
 14 broken open or -- I don't remember if it
 15 was broken open. I remember going down,
 16 and we brought the machine in. They had
 17 the bring the machines in from hatch
 18 three, take them out and bring them down
 19 to hatch two and put them on the plate,
 20 lift them on, bring them in, take them
 21 off and then we would load the plate as
 22 it would go outside instead of wasting
 23 time.
 24 Do you follow me?

1 the hold at all?
 2 A. Yes.
 3 **Q. The first day you would been**
 4 **in the hold was the November 8, 2002, the**
 5 **day of the accident, when you were on the**
 6 **Jackson gang?**
 7 A. Yes.
 8 **Q. Now, on that date, November**
 9 **8, 2002, the top page says that cargo**
 10 **operations started number three, 7:00**
 11 **a.m., and went to 11:00 a.m. and then it**
 12 **went from number two, 11:00 a.m. to 3:00**
 13 **p.m. Does that refer to the Jackson**
 14 **gang?**
 15 A. Yes, sir.
 16 **Q. Is the Jackson gang the only**
 17 **gang that was called back for that last**
 18 **day?**
 19 A. Yes, sir.
 20 **Q. And did you report to work**
 21 **prior to 7:00 in the morning for the**
 22 **Jackson gang?**
 23 A. That's when I was hired to
 24 work that morning.

1 **Q. Yes.**
 2 **What was the cargo you were**
 3 **discharging?**
 4 A. Meat.
 5 **Q. Frozen meat?**
 6 A. Yes.
 7 **Q. Was it in pallets?**
 8 A. Yes.
 9 **Q. And when you were in the**
 10 **number three hatch, starting from 9:30 to**
 11 **11:00, were you spelling; not all of the**
 12 **men were working at the same time?**
 13 A. Yes.
 14 **Q. Who was in your spelling**
 15 **shift of holdmen, if you can recall?**
 16 A. Let's see. I was Grinnel
 17 Williams, Gregory Ringgold, Sean Brady,
 18 Anthony Frazier was down there, and I
 19 believe me and Ron shared the same
 20 machine. So I relieved Ron Anderson.
 21 **Q. So you were a forklift**
 22 **driver at that time?**
 23 A. Yes.
 24 **Q. And that would have been**

1 when you worked in number three and
2 number two?

3 A. Yes, sir.

4 Q. Why don't you just tell me
5 what your spelling shifts were. We
6 already have the first one, 9:00 to
7 11:00. And then were you off for a
8 period of time?

9 A. From 12:00 to 1:00 we broke
10 for lunch.

11 Q. So you were off from 11 --

12 A. No, I was still working. I
13 was off from 12:00 to 1:00. I came back
14 at one o'clock, because Mr. Jackson said,
15 I want everybody back. And he rounded us
16 up and he said, split the time. Don't
17 let them do the same shit.

18 So in other words, we were
19 going to do two and a half hours a piece,
20 instead of us me doing two and them doing
21 three.

22 Q. You were on from 9:30 until
23 11:00?

24 A. 9:30 until 12:00.

1 going up and down the ladders or using
2 the access covers?

3 A. In number three?

4 Q. Yes.

5 A. No.

6 Q. Do you remember, in number
7 three, where the ladders and assesses
8 were located that you were using to get
9 in and out of the hatch?

10 A. No, I don't remember.

11 Q. Can you describe them for
12 me, what the access covers were like and
13 so forth in number three?

14 A. No.

15 Q. Let's go to number two. In
16 your Answers to Interrogatories you had
17 indicated that you had climbed in and out
18 of the D deck, which is the bottom most
19 deck, three times prior to the accident.
20 That that means down and up once, down
21 and up twice, down and up three times?

22 A. No. I would have went down
23 in the morning, up, that's two, and,
24 right, down in the afternoon and then

1 Q. In number three?

2 A. Three hatch, yes.

3 Q. And then you were from 11:00
4 to 12:00 in number two?

5 A. Right.

6 Q. And then you came back at
7 1:00?

8 A. I didn't go back in the
9 hatch at 1:00. I came back.

10 Q. When did you go back in the
11 hatch?

12 A. Two o'clock.

13 Q. 2:00 to 3:00?

14 A. Yes, until we finished.

15 Q. So the first time you went
16 in to number two would have been at 11:00
17 a.m.?

18 A. Yes.

19 Q. And when you went in to
20 number three, did you use any of the
21 ladders and access manhole covers to go
22 in and out of number three?

23 A. Yes.

24 Q. Did you have any trouble

1 back up, which is four.

2 Q. Let's count down the ladder
3 and up the ladders as --

4 A. Number two hatch, right?

5 Q. Just number two. Let me go
6 through this carefully. At 11:00 a.m.
7 you went down the access ladders and
8 through the manholes to the D deck into
9 number two at 11:00 a.m.?

10 A. Correct. Around that time,
11 yes.

12 Q. Approximately?

13 A. Approximately, yes.

14 Q. And then at 12:00 or
15 approximately at that time, you came back
16 up the same ladders and through the same
17 accesses?

18 A. Yes.

19 Q. And then you had your lunch
20 break. And then at two o'clock you came
21 down, all the way down the same way?

22 A. Same way.

23 Q. And then back up the same
24 way?

1 A. Yes, sir.
 2 Q. So that's a total of two
 3 round trips?
 4 A. Okay.
 5 Q. Is that right?
 6 A. Yes.
 7 Q. In your Answers to
 8 Interrogatory it says D deck three times.
 9 This is Answer to Interrogatory No. 15.
 10 It doesn't say the hatch number. So that
 11 is including going down and back in
 12 number three that day?
 13 A. Yes.
 14 Q. So it would be three round
 15 trips, including the morning work and
 16 number three.
 17 So to recap, you worked in
 18 number three from 9:30 to 11:00. You
 19 went down at 9:30 in number three, and
 20 back up at 11:00. That's one round trip.
 21 Right?
 22 A. Yes.
 23 Q. And then at 11:00 you go
 24 down, and then back and at 12:00 from

1 we already went through the name of the
 2 vessel. Do you remember if the ship was
 3 birthed with the port side or the
 4 starboard side to the pier you were
 5 working at?
 6 The starboard side, the
 7 pointy side, is the right and the port
 8 side to be to your left?
 9 A. The nose was facing Jersey.
 10 So that would have been starboard side.
 11 Q. So you were kind of facing
 12 out towards the Delaware River, or the
 13 ship was?
 14 A. Yes.
 15 Q. And when you went into
 16 number two D at 11:00 a.m., you went down
 17 with these men that you just described
 18 for us. Is that correct?
 19 A. Yes.
 20 Q. Did you all go down at the
 21 same time?
 22 A. No.
 23 Q. So you would just go down
 24 and relieve your person. That's the only

1 number two?
 2 A. That's correct.
 3 Q. That's two. And the last
 4 time or the third round trip, back down
 5 and back up at 2:00?
 6 A. That's correct.
 7 Q. So I'm clear, the two round
 8 trips that you did on the ladders and
 9 through the manholes in number two were
 10 the same route; you didn't change routes?
 11 It was the same ladders and access covers
 12 you went through?
 13 A. Yes.
 14 Q. Now, what time did your
 15 accident happen?
 16 A. Approximately around quarter
 17 to 3:00, 2:40, 2:45.
 18 Q. And had your gang finished
 19 the hatch at that time, and you were
 20 leaving?
 21 A. The gang that I was working
 22 in finished the hatch, the Jackson gang.
 23 We were finished.
 24 Q. And going back a little bit,

1 thing you were concerned about?
 2 A. Yes, sir.
 3 Q. At that time was the
 4 forklift already on the number two D
 5 deck?
 6 A. Yes.
 7 Q. How many forklifts were in
 8 there?
 9 A. Three.
 10 Q. And you were going to --
 11 A. That I remember.
 12 Q. And you were going to
 13 operate one of them?
 14 A. Yes.
 15 Q. And who were the two other
 16 forklift operators of these fellows? We
 17 have Williams, Ringgold and Frazier.
 18 A. Ringgold and Grinnel.
 19 Frazier would have been the brakeman for
 20 us. Do you follow me?
 21 Q. All right. So you had
 22 Grinnel Williams, and Ringgold and
 23 yourself operating forklifts. Was there
 24 a fourth guy in the hatch at the time?

1 A. No.

2 Q. It was just the three of
3 you?

4 A. Yes.

5 Q. You didn't need anyone to
6 hook you up, because you were just on
7 this tray as you described it, and the
8 elevator as you described it?

9 A. Yes.

10 Q. And when you went down, as
11 you were going down, did you experience
12 any problems with -- first of all, were
13 all of the access covers to the ladder
14 open as you went down?

15 A. Yes.

16 Q. And as you were going down
17 that first time, were they all secured in
18 the open position?

19 A. Yes.

20 Q. Did you check as you went
21 down each level to be sure that they were
22 secured?

23 A. No.

24 Q. Did you, as you were going

1 this way, as you can see up here. It's
2 all oriented the same way. So this would
3 be the aft end and this would be the
4 forward end. (Indicating.)

5 MR. GRUBER: And this would
6 be the starboard side. Do you
7 follow me?

8 THE WITNESS: Yes.

9 BY MR. WHELAN:

10 Q. And this would be the dock.
11 (Indicating.) Is the access that you
12 used the one at the aft end of the number
13 two hatch or the forward end?

14 MR. GRUBER: We have been at
15 this a long time. I think you
16 have to establish whether he
17 remembers there being two accesses
18 down there. You are assuming that
19 there were two.

20 BY MR. WHELAN:

21 Q. Are you aware of whether
22 there were two accesses down there or
23 not?

24 A. No, only one.

1 down for the first time at 11:00 o'clock,
2 did you hold onto the access covers as
3 support going down the ladders?

4 A. Yes. Or whatever was there
5 to grab onto. I'm not quite sure. I
6 don't remember what I grabbed onto.

7 Q. So it would be either the
8 access cover or whatever was there,
9 handle or whatever, to grab onto?

10 A. I didn't notice any handles.
11 There were just covers.

12 Q. Now, you had indicated in
13 your Answers to Interrogatories -- maybe
14 we can get into that plan right now --
15 that the access that you had used was at
16 the aft end of number two D. Is that
17 correct?

18 A. To the best of my knowledge.

19 Q. Let's see if we can orient
20 you here. This is a general arrangement
21 plan of the LUZON STRAIT. This section
22 here is the bottom-most deck down, and
23 this is the number two hatch here.
24 (Indicating.) And this is the aft end,

1 Q. The access that you used,
2 where was it located? In your Answers to
3 Interrogatories you indicate it's at the
4 aft end.

5 A. It's hard to remember. It
6 was actually midship. When we came on C
7 deck, you walked across the deck and
8 there was another access to go down to D
9 deck.

10 Q. Okay.

11 A. It wasn't a straight run all
12 the way down to D deck is what I'm
13 saying. If you go on that ship you can't
14 go straight down to D deck from there.

15 Q. Okay.

16 A. In other words, when you are
17 coming down from the top, you can go
18 straight down, but in order to get to the
19 D deck, that has to go -- you had to walk
20 about another five or six feet to get to
21 another hatch to go down to the next
22 level. Do you follow me?

23 Q. Not really. Let me try
24 this. The accesses that you used to go

1 in and out of number two, were they
2 inside of a room or, for lack of a better
3 word, a deck house-type thing?

4 In other words, they were
5 not inside the hatch itself, where the
6 cargo would be?

7 A. I don't understand what you
8 mean.

9 MR. GRUBER: Do you know
10 what an access trunk is?

11 BY MR. WHELAN:

12 Q. An access trunk. In other
13 words, the hatch itself, not where the
14 cargo is stowed, the access cover, it's
15 at a trunk at the forward end or the aft
16 end of the ship.

17 A. I don't remember that.

18 Q. You don't remember one way
19 or the other?

20 A. All I remember is when we
21 came down from the top, we went all the
22 way down until we got to C deck.

23 Q. Okay.

24 A. Once we were on C deck, we

1 walked from -- it couldn't have been no
2 more than five feet, if that, and then we
3 went down to D deck. It was one way in
4 and one way out. Once you walked across
5 the deck you could go all the way up to
6 outside. It wasn't a straight run.

7 Q. All right, let's start
8 again. If you are going from A deck, the
9 top deck, down, was that a straight run?

10 A. Yes.

11 Q. Was that --

12 A. The hatches were open.

13 Q. All of the access covers
14 were open?

15 A. Yes, sir.

16 Q. My question is, whether it's
17 in a trunk or whatever it might be,
18 there's never -- typically there's not a
19 continuous ladder all the way up? In
20 other words, you would go up, and it
21 might be over a little bit and up and
22 over a little bit?

23 A. No. From A, from the top of
24 the deck, all the way to C deck, there

1 was a straight run.

2 Now, the way that ship -- to
3 the best of my knowledge, the way I
4 remember it is that the hatches were --
5 when they folded back, they folded back
6 like this. (Indicating.) When I went up
7 the later you could not access A or B. C
8 hatch was on a bulkhead where the
9 elevator was. You walked across the deck
10 and there was another access to go down
11 to D deck.

12 Q. You are literally walking on
13 the gratings?

14 A. It was an aluminum floor.

15 Q. And you are actually in the
16 hatch?

17 A. We were on top of C deck,
18 inside C deck.

19 Q. You are inside. And maybe I
20 can get it this way. If you were coming
21 up from the D deck to the C deck on this,
22 presumably there's a ladder?

23 A. Yes.

24 Q. And when you were on the D

1 deck, where you were working, was the
2 ladder attached to a bulkhead or was it
3 instead of a trunk room or was it just
4 right in the middle of the --

5 A. I think it was attached to
6 the bulkhead, if I remember correctly.

7 You are talking about the
8 hatch, right?

9 MR. GRUBER: No. He's
10 talking about the ladder to get
11 from the deck of the -- the skin
12 of the D deck up to the C deck.
13 The ladder.

14 THE WITNESS: The ladder
15 itself was on the bulkhead. It
16 was incorporated into the --
17 adjacent.

18 BY MR. WHELAN:

19 Q. So if you're climbing up
20 from the D deck on this ladder, the
21 ladder is attached to a wall?

22 A. A wall, right.

23 Q. It's not like a
24 free-standing in the middle of the hatch

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| <p>1 type thing?</p> <p>2 A. No. It's like a bookshelf.</p> <p>3 Q. If you are coming up from</p> <p>4 the D deck and climbing up this ladder</p> <p>5 that's attached to the wall, which wall</p> <p>6 would it have been?</p> <p>7 If you are thinking this is</p> <p>8 forward, this is aft, and this is D deck</p> <p>9 where you were working, as you were going</p> <p>10 up this ladder which way were you facing?</p> <p>11 MR GRUBER: Here is the</p> <p>12 starboard side. We are looking</p> <p>13 down like a bird into the hatch.</p> <p>14 So here is starboard. That means</p> <p>15 that would be the forward end,</p> <p>16 this would be the aft. That's off</p> <p>17 shore. (Indicating.)</p> <p>18 He wants the know the ladder</p> <p>19 that was incorporated into the</p> <p>20 bulkhead, which bulkhead was it?</p> <p>21 THE WITNESS: It would have</p> <p>22 been on -- it would have been on</p> <p>23 that bulkhead. (Indicating.)</p> <p>24 It's hard for me to say without</p> | <p>1 that.</p> <p>2 Q. One way or the other you</p> <p>3 don't remember?</p> <p>4 A. There was one way in and one</p> <p>5 way out, that particular deck.</p> <p>6 Q. Do you remember whether</p> <p>7 there were any handles as you came up the</p> <p>8 ladder coming out at any time, including</p> <p>9 the time of your accident?</p> <p>10 A. No.</p> <p>11 Q. When you came to the top and</p> <p>12 you were sticking your head out into C</p> <p>13 deck, was the access cover oriented</p> <p>14 directly in front of you, to your right,</p> <p>15 to your left or behind you?</p> <p>16 A. Directly in front of me.</p> <p>17 Q. And as you climbed up there,</p> <p>18 was there a handle on the underside of</p> <p>19 the access cover?</p> <p>20 A. Not that I remember. I'm</p> <p>21 not sure.</p> <p>22 Q. And then when you looked to</p> <p>23 your left or to your right, was there a</p> <p>24 handle on the left or on the right?</p> |
| <p>1 looking at the ship again.</p> <p>2 BY MR. WHELAN:</p> <p>3 Q. Okay.</p> <p>4 MR. GRUBER: Was there more</p> <p>5 than one ladder to get out of D</p> <p>6 deck?</p> <p>7 THE WITNESS: No, there was</p> <p>8 only one ladder.</p> <p>9 MR. GRUBER: That should</p> <p>10 help us.</p> <p>11 BY MR. WHELAN:</p> <p>12 Q. Whatever ladder that you</p> <p>13 used on D deck, that you went down at 11</p> <p>14 o'clock, and then you came back up at</p> <p>15 12:00, that's the same path you took on</p> <p>16 the date of the accident?</p> <p>17 A. Yes.</p> <p>18 Q. Did you have to go through a</p> <p>19 doorway to get into a trunk or a closet</p> <p>20 to go up this ladder or was this</p> <p>21 ladder --</p> <p>22 A. Not that I remember. I</p> <p>23 don't remember if I had to go inside of a</p> <p>24 closet or a hallway. I don't remember</p> | <p>1 A. I didn't see any.</p> <p>2 Q. When you came to the top,</p> <p>3 each time you came out of the hatch,</p> <p>4 which would have been twice, in number</p> <p>5 two --</p> <p>6 MR. GRUBER: No.</p> <p>7 BY MR. WHELAN:</p> <p>8 Q. When you departed D deck,</p> <p>9 you did that once at 12:00 noon and then</p> <p>10 once at 2:45, at the time of your</p> <p>11 accident. Let's start with noon.</p> <p>12 When you came up the first</p> <p>13 time at noon, was the hatch access cover</p> <p>14 open for the manhole?</p> <p>15 A. Yes.</p> <p>16 Q. And did you pull on</p> <p>17 something to get up to C deck when you</p> <p>18 left at 12:00 noon?</p> <p>19 A. Yes. You had to grab onto</p> <p>20 the hatch.</p> <p>21 Q. You grabbed onto the</p> <p>22 cover --</p> <p>23 A. Yes, you had to.</p> <p>24 Q. -- that you were facing when</p> |

1 you came up the ladder?
 2 A. Yes. That's how we helped
 3 ourselves out.
 4 Q. When you got up to that
 5 point, when you could grab onto the
 6 cover, if you turned your head to the
 7 right what did you see, if you can
 8 remember? In other words, was there a
 9 bulkhead to your right?
 10 A. No.
 11 Q. Was there a bulkhead to your
 12 left?
 13 A. If there was, it wasn't
 14 much. I'm not sure. It might have been
 15 where the hatch -- where the cone was,
 16 where it lifted up and folded back.
 17 Q. Wait. You are facing where
 18 it folded back.
 19 A. If I'm facing you, this is
 20 the wall. It folded back. This side
 21 would have been where the hatch cover
 22 opened up at. (Indicating.) The other
 23 side is where the aluminum floor was.
 24 Okay?

1 Q. Okay.
 2 A. Now, when I climbed out of
 3 D, I had to walk on the aluminum floor on
 4 C deck to get outside the hatch. So as I
 5 was climbing up, you had to grab onto the
 6 hatch to get out of the deck.
 7 Q. D deck?
 8 A. Yes.
 9 Q. To pull yourself up onto C
 10 deck?
 11 A. Yes.
 12 Q. You said that "the cover."
 13 You mean the hatch cover was open right
 14 next to you?
 15 A. Yes. The hatch cover that
 16 covers the cargo, that rolls back and
 17 it's like straight up and down, parallel.
 18 Q. Okay.
 19 A. So there's your ladder. As
 20 you are coming up the ladder -- I don't
 21 know the distance, how fast I was from
 22 the bulkhead or whatever. The lid is
 23 this way. I'm coming up that way, the
 24 same way the lid is.

1 Q. To your left was the cover?
 2 A. Yes.
 3 Q. The hatch cover?
 4 A. Exactly. The floor that
 5 raises up, that rolls back.
 6 Q. About how close was that to
 7 you?
 8 A. I don't know. I don't
 9 remember if it was arm's length or what.
 10 Q. Did anyone take any
 11 photographs of the area of the accident?
 12 MR. GRUBER: I wish.
 13 THE WITNESS: No, not that I
 14 know of.
 15 - - -
 16 (Whereupon, a recess was
 17 taken.)
 18 - - -
 19 BY MR. WHELAN:
 20 Q. We were talking about where
 21 this hatch access cover was that was
 22 involved in your accident was located,
 23 the ladder and so forth. And you had
 24 indicated that you thought that as you

1 came up, stuck your head through C deck,
 2 to your left side would have been the
 3 open cover where the floor came up from C
 4 deck on your left side.
 5 A. Okay, let me see if I can
 6 paint this picture better for you. There
 7 is no way you could have seen D deck from
 8 C deck if you were on C deck. Because
 9 the hatch was blocked to D deck, because
 10 of the cover. It blocked that view.
 11 This was a ladder that we
 12 all used, one ladder to get up and to get
 13 down. And we all used the same ladder.
 14 When we came up there was -- the only
 15 thing to grab onto was the hatch cover,
 16 which was the escape hatch cover, the
 17 manhole cover.
 18 Q. Okay.
 19 A. When you walked on C deck,
 20 you walked about maybe five feet or
 21 however long the size of the deck was.
 22 Q. The cover that you came
 23 through that was involved in your
 24 accident, if you closed it up and then

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1 you closed that other part of the floor
 2 you were talking about, when the ship
 3 came into Wilmington could there have
 4 been cargo on top of that cover that you
 5 came up through?
 6 A. It's possible.
 7 Q. Or was it separate from the
 8 hatch?
 9 A. It's possible it could have
 10 been cargo on top of it or up against it.
 11 It's possible. There was cargo on -- if
 12 there was any cargo on C deck I don't
 13 know.
 14 Q. You didn't work on C deck?
 15 A. No.
 16 Q. Now, when you went down
 17 through this accessway at 11 o'clock on
 18 the date of your accident, in the
 19 morning, for the first time, did you see
 20 whether the securing device was secured
 21 to that cover before you went down?
 22 A. No.
 23 Q. You didn't know one way or
 24 the other?

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1 A. No.
 2 Q. Did you test it to see if it
 3 was solid before you went down at 11
 4 o'clock?
 5 A. No.
 6 Q. Did you hold onto it when
 7 you went down at 11 o'clock?
 8 A. Yes.
 9 Q. Did it support your weight?
 10 A. Yes.
 11 Q. Now, when you came back up
 12 at 12:00, did you hold onto the cover to
 13 come out or did you put your hands to the
 14 side or on something else when you came
 15 out at 12:00 noon?
 16 A. I came out at 12:00? Or
 17 what time did you say, 12:00?
 18 MR. GRUBER: When you came
 19 out the first time.
 20 THE WITNESS: Yes.
 21 BY MR. WHELAN:
 22 Q. What did you hold onto?
 23 A. The cover.
 24 Q. The cover itself?

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1 A. Yes, to pull myself out.
 2 Q. When you typically do that,
 3 do you just like willy-nilly grab the
 4 cover or do you hold onto the ladder and
 5 test it before you use it?
 6 A. I'm not sure. Usually when
 7 you pull back on it, it will grab. You
 8 grab a hold of it. I wouldn't have
 9 grabbed it if I thought it would come
 10 back.
 11 Q. Back towards you?
 12 A. Yes.
 13 Q. So what I'm asking is, do
 14 you have a method or whatever, from your
 15 years as a holdman? You said you didn't
 16 know whether it was secure or not because
 17 you didn't look at it?
 18 A. Right.
 19 Q. Did you have a method or
 20 something that you used as a holdman to
 21 do a little test before you used it to
 22 pull all your weight up?
 23 A. No. There is no method, no.
 24 Q. How are you sure that

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1 someone hasn't undone it, before you rely
 2 on it?
 3 A. Well, you don't know.
 4 Q. Okay. Now, any of the times
 5 that you came up through this same access
 6 that was involved in your accident, did
 7 you see any type of handles not attached
 8 to the access cover?
 9 A. Not that I remember.
 10 Q. Do you remember what the
 11 color of the access cover was, the
 12 underside of it, as you faced it and it
 13 was open?
 14 A. Green, like a lime green,
 15 light green or something.
 16 Q. And you said the floor on
 17 the ship was aluminum?
 18 A. Yes.
 19 Q. And when you went back down
 20 at two o'clock, did you check to see if
 21 it was secure at that time, the access
 22 cover going down to two D?
 23 A. I didn't check to see if it
 24 was secure, I just went down the ladder.

| | |
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| <p>78</p> <p>1 Q. And again, did you use that 2 to support your weight going down or did 3 you -- 4 A. Yes. 5 Q. And then when you came out 6 at 2:45 and you came up the ladder, were 7 you the first one out of the hold or did 8 someone go out before you? 9 A. I would have been either the 10 second man -- I was the second man. 11 Q. You were the second man out? 12 A. Yes. 13 Q. Who was the first guy out? 14 A. I think Ringgold went up 15 before me. I think it was Ringgold, me 16 and then Blue -- Grinnel was after me. 17 Q. First Ringgold went out, 18 then you, and then Blue, Grinnel? 19 A. Yes. 20 Q. When Ringgold went out, did 21 you wait on D deck and watch him? 22 A. Yes. He was gone. We 23 loaded the machines up and it was just 24 Grinnel and I down there. He went up</p> | <p>80</p> <p>1 A. However long it took me to 2 load the machine onto the plate. I don't 3 know how long that was. 4 Q. In other words, all three of 5 you were on machines. First Ringgold put 6 his machine on the plate and then he 7 left? 8 A. Right. 9 Q. And then you put your 10 machine on the plate and then you left? 11 A. Actually, the first thing we 12 did was gathered up the plates. Blue and 13 I gathered the plates up. 14 Q. These are the steel plates? 15 A. That cover the holes. As 16 you put a hole in the floor or bend the 17 aluminum. Or sometimes they will 18 separate them so you have to put a plate 19 on the line. So Blue and I put three or 20 four plates down. We gathered them up 21 and put them on the pan, which -- and 22 then I put one machine on there and Blue 23 put the other machine on there. And I 24 put the last one in the center and I</p> |
| <p>79</p> <p>1 before us. 2 Q. Did you actually see him go 3 through the access cover, up the ladder 4 and through the access cover? 5 A. I watched him leave. I 6 didn't stand there and watch him go up 7 the ladder. 8 Q. Did he yell anything back to 9 you, like watch out or anything? 10 A. No. 11 Q. Did you talk to him after 12 your accident? 13 A. No. 14 Q. Did he ever indicate that he 15 had any trouble using the access cover or 16 the ladder going from two D to two C? 17 A. No. 18 Q. No, he never said anything? 19 A. No, he never said nothing to 20 me about something being wrong. 21 Q. And then Ringgold went out. 22 And how soon after he left did you leave, 23 was it like a couple of seconds or 24 minutes?</p> | <p>81</p> <p>1 braced it. And then the bars would come 2 down and the elevator would go up. 3 Q. You said like within a 4 minute after Ringgold, you went up? 5 A. Yes. We were finishing. 6 Yes. 7 Q. And then Ringgold, again, 8 didn't say anything to you about any 9 problems with the cover? 10 A. No, sir. 11 Q. And then you went up, and 12 was Blue behind you? Grinnel, Blue, was 13 he behind you? 14 A. Yes. 15 Q. And was he actually on the 16 ladder as you were on the top of the 17 ladder when the accident occurred? 18 A. No. 19 Q. Where was he when your 20 accident occurred? 21 A. I don't know. I wasn't 22 looking. He was behind me. 23 Q. Somewhere behind you? 24 A. Yes.</p> |

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1 **Q. But you are sure he wasn't**
 2 **on the ladder behind you?**
 3 A. No, he wasn't behind me on
 4 the ladder.
 5 **Q. In terms of the top rung of**
 6 **the ladder, which is at the very top,**
 7 **where did you have -- how far up the**
 8 **ladder did you get in relation to the top**
 9 **of the ladder?**
 10 A. I really can't say. I
 11 really don't remember. I had more than
 12 my torso -- I had half myself out of it.
 13 **Q. You had half of yourself out**
 14 **of it?**
 15 A. Yes.
 16 **Q. If you drew a diagram, you**
 17 **would get like your beltline, and below**
 18 **would have been still in D deck, and the**
 19 **rest would have been above and in C deck?**
 20 A. No. My beltline would have
 21 been above D deck.
 22 **Q. Would have been above D**
 23 **deck?**
 24 A. It was in between the

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1 opening.
 2 **Q. And then where did you have**
 3 **your hands at the time of your accident;**
 4 **what were you holding onto with your**
 5 **right and your left hand?**
 6 A. The escape hatch.
 7 **Q. With both hands?**
 8 A. Yes, sir.
 9 **Q. And you had said you had**
 10 **gotten to the point where at least half**
 11 **of your torso or below your beltline was**
 12 **in the D deck level and --**
 13 A. Not below.
 14 **Q. Tell me again.**
 15 A. It would have to be above.
 16 Because when I fell, I fell back and my
 17 legs were outside -- they weren't in the
 18 ladder -- they weren't in the cylinders
 19 of the ladder. So when I fell back, I
 20 fell back just like that, bam. And my
 21 legs kicked out.
 22 I assume I put my hands on
 23 first thing. The lid was on me, on my
 24 right hand. I was holding myself --

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1 positioning myself with my left hand. I
 2 had a hold of myself. When I did, I
 3 pushed the lid up, thinking it was a
 4 counterweight. It didn't do that. It
 5 was coming back at that time.
 6 That's when Sean, he grabbed
 7 the lid and he had my jacket or my suit.
 8 He seen I was sliding down to D deck. I
 9 was trying to get -- actually, my legs
 10 were probably -- if you say this would be
 11 C deck, this would be D deck.
 12 (Indicating.) As I fell back, my knees
 13 would have been on top of D deck ceiling.
 14 Do you know what I mean?
 15 **Q. Up against the ceiling?**
 16 A. Up against the ceiling, yes.
 17 So I'm figuring --
 18 **Q. In the accident report it**
 19 **says you hit your kneecaps?**
 20 A. That's probably right.
 21 **Q. So then a better**
 22 **description, other than the beltline, is**
 23 **your rear end or your buttocks were**
 24 **already at C deck level --**

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1 A. Yes.
 2 **Q. -- when the cover came down?**
 3 A. When it turned loose.
 4 **Q. So I get an understanding of**
 5 **how the accident occurred, as you were**
 6 **coming up, the cover -- it sounds like**
 7 **the cover was holding for a while?**
 8 A. Yes.
 9 **Q. And then it gave way?**
 10 A. Yes.
 11 **Q. Now, why was Sean in that**
 12 **area? Did he happen to be in the area at**
 13 **that time?**
 14 A. He was the elevator man, the
 15 button man.
 16 **Q. And he was positioned on C**
 17 **deck?**
 18 A. Yes, sir.
 19 **Q. The elevator man is right**
 20 **next to --**
 21 A. Nobody. He's sitting there
 22 on the wall. There's a wall there with a
 23 button that indicates to the crane driver
 24 that it's okay to lift. He's the deckie.

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1 MR. GRUBER: Or hatch
2 tender.
3 BY MR. WHELAN:
4 Q. Could you see on this plan
5 where he would be positioned? If you
6 can't, that's fine. These are the hatch
7 covers.
8 MR. GRUBER: This is the
9 forward end here. (Indicating.)
10 THE WITNESS: I couldn't
11 really say.
12 BY MR. WHELAN:
13 Q. That's fine. But he was
14 definitely on C deck?
15 A. Yes. Because I said, clear,
16 it's okay to take it out.
17 Q. And then when you were kind
18 of trapped or when this cover came down,
19 about how far was the location of where
20 your accident occurred from where Sean
21 would have been standing with the button?
22 Best estimate.
23 A. I don't know. Five feet,
24 maybe, six feet. I don't know.

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1 Q. The other end of the hatch
2 or closer?
3 A. No, no, he was by the
4 ladder.
5 Q. He was close to that area?
6 A. Yes. He was -- I don't know
7 if he was yelling or what he was doing.
8 Maybe taking his clothes off. I don't
9 know what he was doing at the time.
10 Q. And so eventually it gave
11 way, and you fell down, and you got your
12 knees trapped on the ceiling of D deck?
13 A. Right.
14 Q. And you were on your back?
15 A. Yes, sir.
16 Q. You fell backwards?
17 A. Yes.
18 Q. Did you fall all the way
19 back?
20 A. I went back and hit the
21 deck.
22 Q. You hit the C deck?
23 A. Right.
24 Q. And that would have been --

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1 A. In between C and D.
2 Q. When you fell back, what
3 were you lying on, was it aluminum
4 gratings, was it a steel deck or
5 something else, if you remember?
6 A. I don't remember. It was
7 all steel and aluminum.
8 Q. I'm trying to see if that
9 will help us straighten out if it was in
10 a trunk area or actually out in the cargo
11 hold area.
12 Do you remember, as you were
13 there, did it appear that you were out in
14 the middle of the cargo hold or did it
15 appear that you were in a trunk area?
16 A. No. I was in the middle of
17 the cargo hold.
18 Q. Then you tried to push it
19 off you, and that's when it came down on
20 you once and you fell back onto the deck?
21 A. Right.
22 Q. And then you tried to push
23 it up, because you said it might be
24 spring-loaded?

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1 A. Yes. You try to get it off
2 of you.
3 Q. And that's when Sean came
4 and helped you?
5 A. Right.
6 Q. Did he grab the cover and
7 you at the same time?
8 A. Yes. He seen me kicking. I
9 was struggling, I guess. And he saw
10 that, and he grabbed the cover and he had
11 my suit. I had a freezer suit on. He
12 pulled me up. I was sitting on my
13 backside, sitting on C deck. My feet
14 were dangling between C and D through the
15 manhole.
16 Q. You were off the ladder at
17 that point?
18 A. Yes.
19 Q. Did he pull you out and away
20 from this access cover at that point?
21 A. He helped me up. He asked
22 me was I all right and helped me up.
23 Q. Did you get up on your feet
24 at that time?

1 A. Yes.
2 Q. And at that time when you
3 got up on your feet, was the access cover
4 closed?
5 A. No.
6 Q. It was open?
7 A. Sean had pushed it open. He
8 was fiddling with it. I don't know what
9 he was doing exactly.
10 Q. Did you take a look at the
11 securing device; can you tell us what it
12 was or what it looked like?
13 A. It looked like -- reminded
14 me of a hook on a screen door.
15 Q. Like a round eye-and-hook
16 thing?
17 A. Yes, yes.
18 Q. So it looked something like
19 a hook, like this, and it goes through an
20 eye like that? (Indicating.)
21 A. Close. It had a hook like
22 that, but I don't remember what kind of
23 an eye it went through.
24 Q. But the typical hook and eye

1 that you think would be on a wooden
2 screen door?
3 A. Exactly.
4 Q. You are not sure of the eye
5 part of it, but you know it had a hook?
6 A. Yes.
7 Q. Was it secured or unsecured
8 when you saw it?
9 A. What do you mean "when I saw
10 it?"
11 Q. You described the hook
12 securing device.
13 A. When he was fooling with it?
14 Q. Yes. Did he resecure it?
15 A. He tried. He tried and it
16 wouldn't go back.
17 Q. Why was that?
18 A. It wouldn't stay attached.
19 Do you follow me? Almost like this was
20 the hook, it would come off and it looked
21 like it was bent out of shape or broke.
22 Q. Did you notice that it was
23 bent or broken?
24 A. No. Sean was fooling with

1 it.
2 Q. He would be the one that
3 would know that?
4 A. Yes.
5 Q. But you, with your own two
6 eyes, can't tell us whether it was bent
7 or broken. Is that correct?
8 A. That's correct.
9 Q. You didn't see it with your
10 own eyes, is what I'm saying?
11 A. Right.
12 Q. You weren't really looking
13 for that at the time?
14 A. No, I wasn't.
15 Q. What did you do next? You
16 are standing up there, you saw Sean
17 fiddling with this thing, and you saw the
18 securing device. Then what did you do?
19 A. Sean helped me up, he asked
20 me was I all right. He said -- my
21 nickname is J.T. He said J.T., do you
22 want me to call the basket for you? I
23 said no, Sean, I'm fine. Just follow me
24 up.

1 I had a lot of pain in my
2 leg and my back. And I was afraid of
3 falling back. I didn't want to fall back
4 down if I lost strength.
5 Q. So then did you climb up
6 through the ladders the same way you came
7 down?
8 A. Yes. When I walked up on C
9 deck, I climbed up out the hatch, C, and
10 then B, and then A.
11 Q. The same way you came down?
12 A. Yes.
13 Q. In the area of this access
14 cover and the ladder that you were
15 climbing out at the time of your accident
16 was there enough light to see everything
17 that you were doing?
18 A. Yes, I guess.
19 Q. Darkness or lack of light
20 didn't have anything to do with your
21 accident. Is that correct?
22 A. No, no.
23 Q. No, it's not correct?
24 A. No. It was enough light.

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1 Q. And was there any oil or
2 grease or slippery substance in the area
3 that had anything to do with your
4 accident?
5 A. I didn't see any.
6 Q. So your accident was caused
7 by this securing device either coming
8 undone or wasn't secured?
9 A. That's correct.
10 Q. You don't know which?
11 A. I don't know which, no.
12 Q. When you came up to the top
13 of that ladder, where the access cover
14 was that came down on you, could you
15 describe for me the angle at which the
16 cover was?
17 A. No, not really.
18 Q. Was it kind of like straight
19 up?
20 A. I don't remember if it was
21 straight up, leaning back or what.
22 Q. You don't recall?
23 A. No, I'm not sure.
24 Q. I may have asked you this,

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1 and I apologize. But on the underside of
2 that cover, was there any sort of handle
3 that would open or close the cover or was
4 it a blank cover?
5 A. I don't remember.
6 Q. You don't recall?
7 A. No. I think it was just a
8 cover.
9 Q. You don't recall actually
10 grabbing onto a handle?
11 A. No.
12 Q. You would have grabbed onto
13 the edges of the cover?
14 A. Yes, yes.
15 Q. When you came up the ladder
16 just before the accident, and you came
17 out, your head and body were coming out
18 of D deck onto C deck, and you grabbed
19 onto the cover when it was in the open
20 position, did you grab onto the sides
21 with your right and left hand or the top
22 of the cover?
23 A. I don't remember.
24 Q. You don't recall one way or

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1 the other?
2 A. No.
3 Q. Now, after the accident, did
4 you ever speak to anyone else that had
5 any trouble with the access cover?
6 A. No.
7 Q. Did anyone ever say to you,
8 hey, John, I've I had the same problem,
9 or anything like that?
10 A. No.
11 Q. As the cover came down on
12 you the first time at the time of your
13 accident, did you hear anything like
14 something braking?
15 A. No. I didn't notice, no.
16 Q. Now, as you went up on the
17 way out, after the accident, when you
18 went out through the B and A decks, did
19 you pull on those covers the same way you
20 did this one, to get out?
21 A. Whatever there was available
22 for me to get out of the hatch with.
23 There is no special way I climb out.
24 Q. Do you ever just, rather

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1 than hold onto the cover, put your arms
2 to the side of the deck and go out that
3 way?
4 A. No.
5 Q. It would always be on the
6 cover --
7 A. No. If a rail was there or
8 whatever was there, any access for you to
9 get out. It's hard to lift your body out
10 like that. (Indicating.)
11 Q. Meaning pushing yourself up
12 with your palms?
13 A. Yes. How would you get out?
14 You could roll onto the deck, I guess.
15 Q. So you haven't seen any
16 photographs of this access cover or
17 anything like that?
18 A. No, I haven't.
19 Q. The only photograph that I'm
20 aware of, which your attorney provided to
21 me, just shows the ship in general. Have
22 you ever seen that before?
23 A. The ship?
24 Q. This photograph.

1 A. Yes.
2 **Q. Other than that photograph,**
3 **which we will mark as Turner-2, you**
4 **haven't seen any other photographs of the**
5 **accident scene or the access cover or**
6 **anything like that?**

7 A. Nope.

8 - - -

9 (Whereupon, Exhibit Turner-2
10 was marked for identification.)

11 - - -

12 BY MR. WHELAN:

13 **Q. Do you know who took this**
14 **photograph, which is marked as Turner-2?**

15 A. Yes.

16 **Q. Who?**

17 A. Joe Selvaggi.

18 **Q. And he didn't take any other**
19 **photographs of the ship, as far as you**
20 **know?**

21 A. Not that I know of.

22 MR. WHELAN: Let's mark this
23 as the next exhibit.

24 - - -

1 A. Yes.

2 **Q. Did anyone from DRS ever**
3 **tell you that you should look at the**
4 **securing devices before you enter the**
5 **accessway or use the accessway?**

6 A. No.

7 **Q. Is that something you've**
8 **ever done as a holdman or a longshoreman,**
9 **make sure that the securing device is**
10 **secure before you go down into a deck?**

11 A. Not really, no.

12 **Q. And then the Description is,**
13 **"While climbing escape hatch from D to C**
14 **deck, escape hatch cover unlatched from**
15 **it's securing. Mr. Turner fell back to C**
16 **deck and said cover struck him in the**
17 **left leg at the kneecap. Man also claims**
18 **slight backache."**

19 **Is that an accurate**
20 **description? Is that what you told them,**
21 **in other words?**

22 A. Maybe at the time. He was
23 asking me -- we were in his office, and
24 my leg and back was bothering me. And we

1 (Whereupon, Exhibit
2 Turner-3 was marked for
3 identification.)

4 - - -

5 BY MR. WHELAN:

6 **Q. We have marked as Turner**
7 **Exhibit-3 a document called DRS**
8 **Supervisor's Accident Investigation.**
9 **Have you seen this document before?**

10 A. Yes.

11 **Q. Is that your signature on**
12 **the lower left-hand corner?**

13 A. Yes.

14 **Q. This appears to be signed by**
15 **Clifford Lasch and somebody Jackson, I**
16 **think. Looks like two people signed it.**
17 **Do you recognize any of those signatures**
18 **on the right side?**

19 A. No.

20 **Q. It says under Comments,**
21 **right above the two signatures, "Seems as**
22 **though securing pin worked out of the**
23 **slot. Should be inspected before**
24 **entering deck." Do you see that?**

1 are like you and I are talking.

2 **Q. Does that generally sound**
3 **accurate to you?**

4 A. Close.

5 **Q. What is not close? Is there**
6 **anything that is not close?**

7 A. Well, I don't think the
8 lid -- I think I hit my knee or my leg
9 underneath the deck. I think he was just
10 writing it down when I said it.

11 **Q. Anything else that is not**
12 **accurate?**

13 A. That's about accurate, yes.

14 **Q. And then this indicates that**
15 **you were taken to Christiana Care,**
16 **Wilmington Hospital, or you went there?**

17 A. I was taken to Wilmington.

18 **Q. Wilmington, okay. How did**
19 **you get from the terminal to the hospital**
20 **when you first went to the hospital after**
21 **the accident?**

22 A. I drove.

23 **Q. You got off at 2:45 or three**
24 **o'clock or so. Did you go right away or**

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>102</p> <p>1 did you go home first; how did you 2 proceed? 3 A. I went to Clifford's office 4 and from Clifford's office we went to 5 Wilmington Hospital, to occupational 6 health, took the drug and alcohol test. 7 From there, Cliff left. He said, John, 8 you will be okay, I will see you later. 9 And I seen a doctor. I don't remember 10 her name. 11 Q. Okay. 12 A. They x-rayed my knee, and I 13 asked them what about my back, because it 14 was really bothering me more and more. 15 And she said, take this ibuprofen or 16 whatever they gave me at the time. I 17 don't remember. And come back Tuesday or 18 something like that, in a couple of days 19 or something like that. 20 Q. And did you do that? 21 A. Prior to then, I went to my 22 doctor on the 12th. I had very, very 23 uncomfortable pain radiating and shooting 24 down my leg and in my back.</p> | <p>104</p> <p>1 Katz, because my problem was stemming 2 from my back. And he said I had disc 3 problems, and he had me talk to a spine 4 specialist. 5 Q. And Dr. Katz was the spine 6 specialist? 7 A. Yes, sir. 8 Q. And on July 3, 2002, you had 9 surgery? 10 A. Yes, sir. 11 Q. Have you had any surgery 12 since that time? 13 A. No, sir. 14 Q. And what was the surgery 15 that Dr. Katz performed, as far as you 16 know? 17 A. He did a decompression, I 18 think, at L5. He did a discectomy, took 19 out the bone. I had a cracked disc, bone 20 fragments he took out. 21 Q. Did that give you any relief 22 of your symptoms, your radiating pain? 23 A. It corrected some of the 24 pain on the outside of the leg.</p> |
| <p>103</p> <p>1 Q. Again, this is your left 2 leg? 3 A. Yes. 4 Q. And you went to Dr. Song? 5 A. Yes, my family doctor. My 6 wife took me to the doctor. 7 Q. And then you went back to 8 this other place after Dr. Song? 9 A. No. I went to Dr. Song, and 10 he recommended I see -- First Day 11 Orthopedics, a Dr. Bodenstab. 12 Q. Had you ever been treated by 13 Dr. Bodenstab before? 14 A. No. 15 Q. Is the doctor that you saw 16 at the clinic, Dr. Maria DeJoseph? 17 A. I guess. 18 Q. And you continued to treat 19 with both Dr. Bodenstab and Dr. Song for 20 a period of time? 21 A. I went to my doctor, who 22 sent me to Dr. Bodenstab. Dr. Bodenstab 23 took x-rays and MRIs. From Dr. Bodenstab 24 I went to -- he recommended I see Dr.</p> | <p>105</p> <p>1 Q. And then you saw a Dr. 2 Yahadi? 3 A. He's a pain management -- 4 Yahadi is a pain management specialist. 5 Q. When is the last time you 6 saw him? 7 A. I don't remember. 8 Q. I have May 2003. 9 A. Yes. 10 Q. Have you seen him since 11 then? 12 A. No, I haven't. 13 Q. And then I have the last 14 examination by Dr. Katz as January 2004. 15 Have you seen him -- 16 A. Was it January? 17 Q. 2004. That's almost a year 18 ago. Have you seen him since then? When 19 is the last time you saw him? 20 A. I think it was August. 21 Q. 2004? 22 A. Yes. 23 Q. What about Dr. Bodenstab, 24 are you now limited to Dr. Katz or did</p> |

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1 you also see him?

2 A. I'm in pain management. I
3 see Ginger Chiang, that's who I see now.

4 Q. When is the last time you
5 saw her?

6 A. The last injection I got --

7 Q. The last date I have is
8 March 9, 2004.

9 A. I've seen her since then.
10 She prescribed my medicine for me.
11 MR. GRUBER: I think it was
12 August 3rd.

13 BY MR. WHELAN:

14 Q. Okay. And then at PRO
15 Physical Therapy, I have the last visit
16 as September 23rd. Have you done any
17 physical therapy since then?

18 A. No. Dr. Katz took me out of
19 that. He said it wasn't going to work
20 any more.

21 Q. I also have some records
22 from a Dr. Fisher or a -- he might be a
23 Ph.D.?

24 A. She's a psychologist.

1 Q. Now, other than those
2 doctors that I've mentioned, are there
3 any other doctors you've treated with?

4 A. No, not that I remember.
5 Dr. Song, Dr. Bodenshtab, Dr. Katz, Dr.
6 Yahadi, Dr. Chiang, Dr. Fisher and my
7 family doctor, Dr. Fucci.

8 MR. GRUBER: Song died.

9 BY MR. WHELAN:

10 Q. Can you spell that?

11 A. I think it's F-U-C-C-I.

12 Q. Is he or she in the same
13 practice?

14 A. No. He was referred from
15 Dr. Song's office. He's not in the
16 same -- I think they are Brandywine
17 something.

18 Q. And that's just a family
19 doctor?

20 A. Yes.

21 MR. GRUBER: Do you know who
22 examined you?

23 THE WITNESS: Dr. Draper
24 from Liberty Mutual.

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1 Q. And the last treatment I
2 have is April 1, 2004. Have you seen Dr.
3 Fisher or psychologist Fisher since then?

4 A. No.

5 Q. Has your psychological
6 difficulty, or whatever reason you saw
7 psychologist Fisher for, resolved itself
8 or is it better so you don't need to see
9 a psychologist?

10 A. It's not better. I just
11 deal with it.

12 Q. I mean, it's not better, but
13 you feel you can deal with it on your own
14 at this point?

15 A. Well, she told me to come
16 back at any time I want to talk to her.

17 Q. So at least you haven't felt
18 the need to go back yet?

19 A. No, I felt the need. I just
20 pray, really. I don't do anything but
21 pray. That's what I do.

22 Q. But you haven't seen her
23 since April 1, 2004?

24 A. No.

1 BY MR. WHELAN:

2 Q. Dr. Draper?

3 A. Yes.

4 Q. Anyone else?

5 A. Robert Draper.

6 Q. Anyone else?

7 A. No, not right now.

8 MR. WHELAN: I think we have
9 one scheduled this Monday.

10 MR. GRUBER: Ronald Greene.

11 BY MR. WHELAN:

12 Q. Now, have you ever given any
13 kind of written or recorded statement
14 about this accident to anyone, other than
15 what you are doing today and what you
16 testified to on Turner Exhibit-3, where
17 you told somebody at the stevedoring
18 company what happened?

19 A. Besides my lawyer?

20 Q. Besides your lawyer.

21 A. No.

22 Q. Unless you've given a signed
23 statement to your lawyer.

24 A. No.

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1 **Q. Getting back to your medical**
 2 **condition, do you presently drive a car,**
 3 **your truck or whatever?**
 4 A. Occasionally.
 5 **Q. Do you use that to get**
 6 **around?**
 7 A. My wife usually drives.
 8 Sometimes I might get my medicine or go
 9 to my doctor's appointment if my father
 10 can't take me.
 11 **Q. Do you have the same pickup**
 12 **truck that you described earlier or do**
 13 **you have a different car?**
 14 A. I have a truck.
 15 **Q. A truck?**
 16 A. Yeah.
 17 **Q. Is it an automatic or a**
 18 **stick?**
 19 A. Automatic. I don't even
 20 drive it too much any more.
 21 **Q. And what kind of truck is**
 22 **it?**
 23 A. Ford Ranger.
 24 **Q. Getting back to your**

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1 **injuries and so forth, is there anything**
 2 **you were doing recreationally before the**
 3 **accident that you can't do now?**
 4 A. Oh, everything. I mean, I
 5 used to fish, I used to play ball with
 6 the kids. My pain limits me from doing
 7 just -- things I used to like to do,
 8 anyway. Most of the time I'm exhausted
 9 from the pain or tired.
 10 If I walk -- I was trying to
 11 walk a little bit and it hurt my back so
 12 much that I couldn't go but so far. I'm
 13 more afraid of people now.
 14 There was an incident about
 15 a few months ago where a guy approached
 16 me, and I was afraid he was going to do
 17 something to me. I'm skeptical of
 18 people.
 19 **Q. Are you afraid you can't**
 20 **defend yourself?**
 21 A. Yes. If my house caught on
 22 fire I couldn't get outside. Hopefully,
 23 one of my sons would be there. I haven't
 24 had sex in two years or longer. I

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1 haven't done normal chores that I used to
 2 do.
 3 I'm a very clean person with
 4 the housekeeping. I used to do a lot of
 5 vacuuming, washing the dishes. I was
 6 always doing something around the house,
 7 fixing this, repairing that, replacing
 8 this. I'm limited. The pain that I'm
 9 in, it limits me. It exhausts me, it
 10 really does. Especially if I get to
 11 doing things.
 12 **Q. So you used to do household**
 13 **chores that you can't do now?**
 14 A. I did the outside chores,
 15 the landscaping, I did everything, the
 16 painting. I did whatever needed to be
 17 fixed or whatever needed to be done. A
 18 house needs work 24/7.
 19 **Q. Do you have a large piece of**
 20 **property; is it a single home family?**
 21 A. Yes.
 22 **Q. So there's grass to be cut?**
 23 A. Landscaping. I don't have
 24 any grass. It has to be weeded, mulched.

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1 Right now she was talking about bulbs, so
 2 I have to plant them for the spring.
 3 **Q. And who does that now, your**
 4 **children?**
 5 A. No. I hire a guy that comes
 6 around, yard guy.
 7 **Q. Anything else that you used**
 8 **to do before that you can't do now, other**
 9 **than what you described?**
 10 A. I don't drive long distances
 11 any more. I can't. It gets hard to --
 12 it's difficult sitting in this chair for
 13 a long time.
 14 **Q. Have you been on any**
 15 **vacations since your accident?**
 16 A. No. My wife and children
 17 do. They have been away several times.
 18 I haven't tried, really. I wanted to see
 19 my daughter, but she'll be home. I
 20 didn't take the trip.
 21 **Q. Where is she in school?**
 22 A. Atlanta.
 23 **Q. Atlanta, Georgia?**
 24 A. Yes.

1 Q. What sort of fishing did you
2 used to do?

3 A. All kinds.

4 Q. Freshwater, salt water?

5 A. Fly fishing, salt water.
6 Just going out, having a peaceful time.

7 Q. When is the last time you
8 got a freshwater license?

9 A. Oh, never got no license.
10 You don't need a license to fish. That's
11 given by God, that's free, like water,
12 should be free.

13 Q. How often would you say you
14 used to fish before?

15 A. Every time I could get a
16 chance.

17 Q. What would you fish for,
18 what kind of fish?

19 A. Just to go out there and
20 fish. I would go out there -- I usually
21 would go by myself. There's a place up
22 there in Pennsylvania -- I can't think of
23 the state park. There's a little -- you
24 go there to fish, or down to Brandywine.

1 Now they have the mounties down at
2 Brandywine.

3 Q. The mounties?

4 A. The park rangers. It used
5 to be you didn't need a license. So I
6 might go off a bank or go down with a few
7 guys in Maryland, they have a little
8 fishing home. The back of the bay. I
9 wouldn't fish nothing down there.

10 Q. At least not after the oil
11 spill.

12 A. No. They are glowing in the
13 dark.

14 Q. You said you couldn't play
15 ball with your kids and stuff. You mean
16 like basketball?

17 A. I have three sons playing
18 for the same school. My youngest boy,
19 who is 14, just made the JV and I would
20 like to show him a few things, but I
21 can't do it. I love baseball. Baseball
22 is the love, but I love basketball, too.

23 Q. Before your accident, you
24 weren't involved in any leagues of your

1 own, were you?

2 A. No. Just with the guys when
3 I could.

4 Q. Now, in your lifetime have
5 you ever been convicted of a crime?

6 A. No.

7 Q. We are almost done. Let me
8 check my notes.

9 A. I've told Dr. Chiang, I also
10 have experienced pain going in my arms,
11 and my fingers have been numb, and my
12 hand gets numb sometimes when I sit, like
13 now.

14 Q. This is your left knee?

15 A. Yes. And I get severe
16 headaches. I've never had these
17 headaches before. I will mention it to
18 my family doctor, too.

19 Q. Now, is there any plan to
20 get further surgery?

21 A. I'm still thinking about it.

22 Q. Is that something Dr. Katz
23 is recommending?

24 A. Yes.

1 Q. What sort of surgery is he
2 recommending?

3 A. Fusion.

4 Q. Spinal fusion?

5 A. Yes.

6 Q. At the time of your
7 accident, were there any crew members in
8 the vicinity, the ship's crew, in the
9 vicinity of your accident?

10 A. I didn't see any.

11 Q. Were there any in the cargo
12 hold that you were working in at the
13 time, from 2:00 to 2:45?

14 A. No.

15 Q. Did you ever report your
16 accident to the ship's crew?

17 A. No.

18 Q. Did you have any discussion,
19 yourself, with anyone from the ship's
20 crew?

21 A. No.

22 Q. Are you aware of anyone else
23 that had discussions or made complaints
24 of any type to the ship's crew?

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1 A. No.

2 **Q. Mr. Turner, do you know who**

3 **opened that lid for the first time, on**

4 **the date of your accident?**

5 A. No.

6 **Q. Or who secured it?**

7 A. No.

8 **Q. But it wasn't you?**

9 A. No, it wasn't me. It was

10 open.

11 **Q. Do you know whether or not**

12 **the hook that you described that you saw**

13 **after the accident was in place and**

14 **secure when you first started coming out**

15 **of the hold at the time of your accident?**

16 **Could you tell from the feel of it?**

17 A. No.

18 **Q. So you are not sure whether**

19 **there was any resistance or not, from the**

20 **hook being secured?**

21 A. I didn't notice it.

22 **Q. Did it seem to you, when you**

23 **came up through the opening onto the C**

24 **deck, that it just came right down as**

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1 **soon as you got to a certain point or did**

2 **it seem like it was holding your weight**

3 **and then it gave way?**

4 A. It seemed like it was

5 holding my weight and then gave way.

6 MR. WHELAN: Those are all

7 the questions I have. Thank you

8 very much.

9 - - -

10 (Whereupon, the deposition

11 concluded at 4:24 p.m.)

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2 **C E R T I F I C A T E**

3

4 I hereby certify that the

5 witness was duly sworn by me and the

6 deposition is a true record of the

7 testimony given by the witness.

8

9

10

11 -----

12 Pamela J. Gober Bracic

13 RPR

14 Commissioner

15 Dated: December 23, 2004

16

17 (The foregoing certification

18 of this transcript does not apply to any

19 reproduction of the same by any means,

20 unless under the direct control and/or

21 supervision of the certifying reporter.)

22 - - -

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1 **LAWYER'S NOTES**

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOHN TURNER

: CIVIL ACTION

vs.

B.V. SHIPPING COMPANY

LUZON STRAIT (GRONINGEN)

: NO. 04-CV-0936

AMENDED COMPLAINT
Jury Trial Demanded

1. Plaintiff John Turner is a citizen and resident of the State of Delaware.

2. Defendant B.V. Shipping Company Luzon Strait (Groningen) is a business organization organized and existing under and by virtue of the laws of a governmental body other than the Commonwealth of Pennsylvania, with its principal place of business located in Groningen, Netherlands.

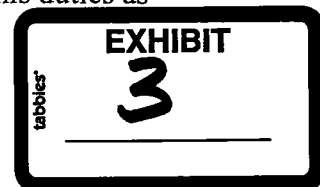
3. The jurisdiction of this Court is invoked under 28 U.S.C. Section 1332, there being diversity of citizenship between the parties and the amount in controversy, exclusive of interest and costs, being in excess of Seventy-Five Thousand Dollars (\$75,000.00).

4. On or about November 8, 2002 and at all times material hereto, defendant owned, managed, operated, possessed and controlled the M/V Luzon Strait in foreign commerce.

5. On or about November 8, 2002 the M/V Luzon Strait was in navigable waters of the United States and moored at the Port of Wilmington, Wilmington, Delaware.

6. On or about November 8, 2002 and at all times mentioned herein, plaintiff was an employee of Delaware River Stevedores in the capacity of a longshoreman and was aboard the M/V Luzon Strait as a business visitor in connection with the performance of cargo operations being conducted thereon.

7. On or about November 8, 2002 plaintiff, while in the course of performing his duties as



aforesaid, was caused to sustain serious injuries due to the carelessness and negligence of defendant B.V. Shipping Company Luzon Strait (Groningen) by its agents, servants, workmen and employees.

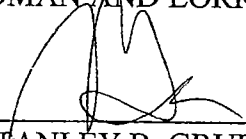
8. By reason of the carelessness and negligence of the defendant as aforesaid, the plaintiff was caused to sustain severe injuries to his left knee and back; he sustained contusions to the left knee with chondromalacia; he sustained disc herniations at L2-3 and L4-5; he sustained other orthopedic, neurological and internal injuries; he sustained severe shock and injury to his nerves and nervous system; he has in the past required and may in the future continue to require medicines, medical care and attention; he has in the past been and may in the future be compelled to expend monies and incur obligations for such care and attention; he has in the past suffered and may in the future continue to suffer agonizing aches, pains and mental anguish; he has in the past been and may in the future continue to be disabled from performing his usual duties, occupations and avocations.

WHEREFORE, plaintiff claims damages of the defendant a sum in excess of Seventy-Five Thousand Dollars (\$75,000.00), together with pre-judgment interest and costs, and brings this action to recover same.

POTTER, CARMINE & LEONARD, PA

BY: _____
STEPHEN B. POTTER, ESQ. (ID# 298)
840 North Union Street
Wilmington, DE 19805
(302) 658-8940
Attorneys for Plaintiff

FREEDMAN AND LORRY, P.C.

BY:  _____
STANLEY B. GRUBER, ESQ. (ID #22954)
400 Market Street, Suite 900
Philadelphia, PA 19106
(215) 925-8400
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of Plaintiff's Amended Complaint to be served by hand delivery, upon counsel for defendants at the addresses listed:

Richard Q. Whelan, Esquire
Palmer, Biezup & Henderson, LLP
956 Public Ledger Building
Independence Mall West
620 Chestnut Street
Philadelphia, PA 19106-3409
Attorneys for Defendant



STANLEY B. GRUBER

Dated: _____

11/08/04